INTERNATIONAL COURT OF JUSTICE

PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

CASE CONCERNING SOVEREIGNTY OVER PULAU LIGITAN AND PULAU SIPADAN

(INDONESIA/MALAYSIA)

VOLUME III

Memorial of Indonesia

COUR INTERNATIONALE DE JUSTICE

MÉMOIRES, PLAIDOIRIES ET DOCUMENTS

AFFAIRE RELATIVE À LA SOUVERAINETÉ SUR PULAU LIGITAN ET PULAU SIPADAN

(INDONÉSIE/MALAISIE)

VOLUME III

Mémoire de l'Indonésie

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CASE CONCERNING SOVEREIGNTY
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SUR PULAU LIGITAN ET PULAU SIPADAN
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IMPRIMÉ EN FRANCE
PRINTED IN FRANCE

This case, entered on the Court's General List on 2 November 1998 under number 102, was the subject of Judgments delivered on 23 October 2001 (*Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia), Application for Permission to Intervene, Judgment, I.C.J. Reports 2001*, p. 575) and 17 December 2002 (*Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia), Judgment, I.C.J. Reports 2002*, p. 625).

The documents relating to the case are being published in the following order:

Volume I. Special Agreement; Memorial of Indonesia.
Volume II. Memorial of Indonesia *(continuation)*.
Volume III. Memorial of Indonesia (Affidavits and Maps).
Volume IV. Memorial of Malaysia.
Volume V. Memorial of Malaysia (Maps).
Volume VI. Counter-Memorial of Indonesia.
Volume VII. Counter-Memorial of Malaysia; Reply of Indonesia.
Volume VIII. Reply of Malaysia; Application for Permission to Intervene by the Philippines; Written Observations of Indonesia and Malaysia; Verbatim Records of the Hearings.
Volume IX. Verbatim Records of the Hearings *(continuation)*.

For the purposes of this edition, the Court has decided that the written pleadings will be reproduced *in full*; it will therefore also include the documents annexed to those pleadings, which are not made available on the Court's website. The reproduction of all the annexed documents in this edition will enable practitioners to appreciate better the full scope of the arguments developed by the Parties in their written pleadings. As usual, the verbatim records of the public hearings appear after the pleadings; these verbatim records are published here in their final corrected versions, providing a useful supplement to the provisional versions made available on the Court's website.

Since the Court wishes to publish these documents as quickly as possible, it has been decided, where technically feasible, to reproduce the pleadings in the form in which they were submitted by the Parties.

Some documents in this edition have thus been scanned, and there are consequently two types of page numbering for the items included in these volumes: in addition to the normal continuous pagination, the original page numbers of the scanned documents are provided in brackets for reference purposes.

The Hague, 2010.

La présente affaire, inscrite au rôle général de la Cour sous le numéro 102 le 2 novembre 1998, a fait l'objet d'arrêts rendus le 23 octobre 2001 (*Souveraineté sur Pulau Ligitan et Pulau Sipadan (Indonésie/Malaisie), requête à fin d'intervention, arrêt, C.I.J. Recueil 2001*, p. 575) et le 17 décembre 2002 (*Souveraineté sur Pulau Ligitan et Pulau Sipadan (Indonésie/Malaisie), arrêt, C.I.J. Recueil 2002*, p. 625).

Les documents relatifs à cette affaire sont publiés dans l'ordre suivant :

Volume I. Compromis ; mémoire de l'Indonésie.
Volume II. Mémoire de l'Indonésie *(suite)*.
Volume III. Mémoire de l'Indonésie (déclarations sous serment et cartes).
Volume IV. Mémoire de la Malaisie.
Volume V. Mémoire de la Malaisie (cartes).
Volume VI. Contre-mémoire de l'Indonésie.
Volume VII. Contre-mémoire de la Malaisie ; réplique de l'Indonésie.
Volume VIII. Réplique de la Malaisie ; requête à fin d'intervention des Philippines ; observations écrites de l'Indonésie et de la Malaisie ; comptes rendus d'audience.
Volume IX. Comptes rendus d'audience *(suite)*.

*

Aux fins de la présente édition, la Cour a décidé que les pièces de la procédure écrite seront reproduites *intégralement* ; cette édition comprendra donc aussi les documents annexés auxdites pièces — qui ne sont pas mis en ligne sur le site Internet de la Cour. La reproduction de l'ensemble des documents annexés dans cette édition permettra aux praticiens de mieux apprécier, dans toute sa portée, l'argumentation développée par les parties dans leurs écritures. Comme à l'accoutumée, les comptes rendus des audiences publiques sont publiés à la suite des pièces de procédure écrite ; ces comptes rendus apparaissent ci-après dans leur version finale corrigée — qui complète ainsi utilement la version provisoire mise en ligne sur le site de la Cour.

La Cour souhaitant que lesdits documents paraissent aussi rapidement que possible, il a été décidé, chaque fois que les moyens techniques le permettraient, de reproduire les pièces de procédure en l'état où elles ont été présentées par les parties.

Ainsi, certaines pièces de la présente édition ont été scannées et, de ce fait, les titres courants du présent ouvrage comportent deux genres de folios : outre la pagination continue habituelle, on trouvera, entre crochets, la pagination d'origine des pièces scannées, à laquelle il faudra se reporter en cas de renvoi.

La Haye, 2010.

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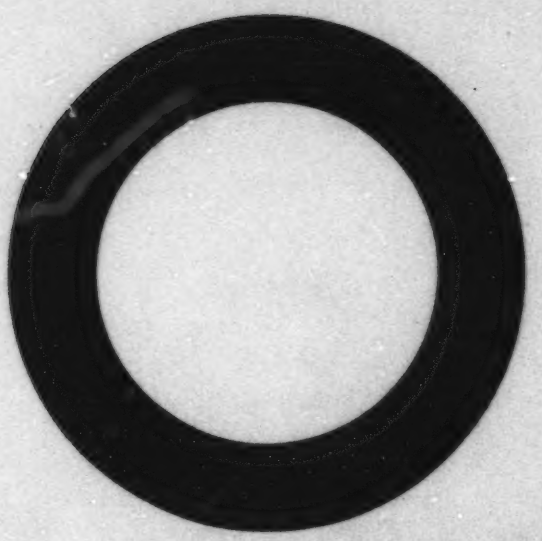
CASE CONCERNING SOVEREIGNTY OVER PULAU LIGITAN AND PULAU SIPADAN
(INDONESIA/MALAYSIA)

MEMORIAL

SUBMITTED BY

THE GOVERNMENT OF THE REPUBLIC OF INDONESIA

Volume 5
Affidavits
(Annexes A to M)



Annex A

AFFIDAVIT OF PROFESSOR MOCHTAR KUSUMAATMADJA DATED 19 JULY 1999

AFFIDAVIT OF PROFESSOR MOCHTAR KUSUMAATMADJA

My name is Mochtar Kusumaatmadja. I am currently a member of the International Law Commission. Previously, I have held the posts of Foreign Minister and Minister of Justice of the Republic of Indonesia.

In 1969, I was an adviser to the Minister of Mines of Indonesia and Professor of International Law at Padjadjaran University in Bandung, Indonesia.

From 9 to 22 September 1969, representatives of the Republic of Indonesia and the Malaysian Government met in Kuala Lumpur to discuss the delimitation of the continental shelf between the two countries. I was the head of the Indonesian delegation to these discussions while His Excellency, Tan Sri Ghazali bin Shafei, the Permanent Secretary of the Ministry of Foreign Affairs of Malaysia officially headed the Malaysian delegation, while in fact was represented by Haji Mohammad Yatim, Director of Malaysian National Mapping.

The discussions were divided into legal and technical groups, the latter of which held separate meetings to determine the details of the median line boundary which, in principle, had been agreed.

During the first part of the discussions, the technical group focused on the delimitation of the Malacca Straits and the western parts of Kalimantan in the South China Sea.

At the second session of the legal group on 15 September 1969, the discussion at Malaysia's suggestion turned to the continental shelf boundary off East Kalimantan and Sabah. The technical group held separate meetings to examine the situation in this area.

During the course of these technical discussions, it became apparent, to the greatest surprise of the Indonesian delegation, that the representatives of the two delegations held different views as to the ownership of Pulau Sipadan and Pulau Ligitan. The Malaysian delegation used, in this connection, a British Admiralty map, on which the Malaysian side had itself first founded its argument during the first discussion and, which showed that the two islands in question belonged to Indonesia. Malaysia's representatives contended nevertheless, that the islands were Malaysian, but, while promising that they would provide evidence of their claim had to admit that they were not in a position to do so, in spite of an extension of the duration of the conference in order to let them time to do so.

As a result of these differences, the matter was placed before the legal session on 19 September 1969. However, no progress was made in resolving the issue of sovereignty over either island.

To break the impasse, the Malaysian delegation suggested that the continental shelf issue east of Kalimantan be omitted from any agreement reached on the other portions of the

continental shelf boundary in the Malacca Straits and the South China Sea. This suggestion was accepted by the Indonesian delegation, which noted that the deferral of the issue would also help prevent any complications of a political nature with the Philippines.

As the head of the Indonesian delegation, I noted at this session that each side held different views on the legal status of Sipadan and Ligitan islands and that, either country was requested not to take any "*status quo* provisions" (assurances of ownership) which might be prejudicial to the other. Thus, it was agreed that the status quo will be held, pending further study on the issues by both sides.

At the same time, the two delegations were able to initial an agreement providing for their continental shelf boundary in the Malacca Straits and the South China Sea.

Following the conclusion of the meetings on 22 September 1999, I, as head of the Indonesian delegation and Mr. Mahyuddin bin Haji Mohd. Zain, the Secretary of the Malaysian Minister of Land and Mines, who had taken over as head of the Malaysian delegation at this stage, exchange notes pursuant to which both Governments recorded their understanding that the negotiations and the Agreement that had been initialled were purely and wholly of a technical nature.

The purpose of this understanding was to underscore the technical, as opposed to political, nature of the discussions that had taken place. In particular, as I have noted above, there was a desire not to prejudice political issues relating either to the legal status of Sipadan and Ligitan Islands or of the position of the Philippines with respect to their claims in Sabah.

It was therefore during the 1969 negotiations that the question of sovereignty over Sipadan and Ligitan was first raised between the Parties, and a claim put forward on behalf of Malaysia. Both delegations ultimately decided to defer this issue so as not to impede the signing of a continental shelf boundary agreement in other areas, and thereby agreed to maintain the status quo on the issue pending further discussion and a resolution of the matter.

Date : 19 July 1999

Signed:

Annex B

AFFIDAVIT OF ADMIRAL ADI SUMARDIMAN
DATED 8 OCTOBER 1999

AFFIDAVIT OF ABDORAL ADI SUMARDIMAN

My name is Adi Sumardiman. I am currently retired from my last government position as Head of Law Bureau of Department of Defence at the age of 48 with the rank of First Admiral. Formerly, I acted as Geodetic Engineer in the Oceanographic Section of Naval Hydrographic Office.

In 1969, I was positioned as the head of planning section in the Hydrographic Office with the rank of Major and during the boundary meeting I was appointed on behalf of the Hydrographic Office as Indonesian delegation.

During the month of September 1969, delegations from Indonesia and Malaysia met in Kuala Lumpur to negotiate the continental shelf boundary between them in four different areas : the Straits of Malacca, the eastern and western entrance of the South China Sea, and the area lying off East Kalimantan and Sabah in the Sulawesi Sea. The Indonesian delegation was comprised of two groups, legal and technical. In my capacity as representative of the Indonesian Naval Hydrographic Office, I headed up the technical group whose task it was to discuss the practicable course of the delimitation lines. Professor Mochtar headed the Indonesian delegation as a whole.

Prior to arriving in Kuala Lumpur, I was in charge of organizing the geographical data on Indonesia, including hydrographical or topographical survey reports and maps of neighbouring States showing the location of islands and delimitation constructions. I asked the Head of the Group for the opportunity to collect abroad these informations for a fast check of Indonesian territory and delimitation lines based on foreign maps. Malaysian maps were made by the British who had been using datums that were different from those of the maps of the former Netherlands East-Indies. In this connection, I was aware of numbers of foreign maps which showed the international boundary between Indonesia and Malaysia running due east from the island of Sebatik along the 4° 10' N parallel established by the 1891 Convention between The Netherlands and Great Britain.

At the outset of the discussions in Kuala Lumpur, it was agreed in principle that a median line approach would be used for delimitation purposes. Following this, the meeting decided that a team from the Indonesian Naval Hydrographic Office would meet separately with their Malaysian counterparts from the National Mapping Department to designate the coordinates of such lines for submission to the plenary meeting.

From 10-13 September 1969, I, together with my Indonesian colleagues – Major Ganesjoto and Mr. Soembarjono – met with the Malaysian technical group,

combining of Mr. Haji Yatim (Director of Malaysia's National Mapping), Koh Swee Tuck and several other Malaysian Cartographers, to plot the continental shelf boundary in the Straits of Malacca and the South China Sea.

In drawing these construction lines, we encountered two major problems. First, the Malaysian side questioned the use by Indonesia of three outermost islands which was used as Indonesian base points that were not included in Indonesia's Act No.4 of 1960. These islands were Batu Mandi Island in the Malacca Straits, Tokong Pyramid Island and Tokong Berung Island in the South China Sea. Nevertheless, after discussions, the Malaysian side agreed to use these Indonesian islands as the location of base points. The second problem was about the dividing line in the northern part of Tanjung Datuk (West Kalimantan). In this regard, based on the geographical configuration of the islands, I proposed to maintain our position on the median line. This proved difficult for Malaysia in view of the fact that Malaysia had already entered into a concession agreement with Shell Oil Company before the adoption of the Geneva Convention of 1958 which was inconsistent with a median line.

The two delegations engaged in bargaining on the median line and the Shell concession line and finally agreed on a median line of 110 degrees East. I also gave the Head of Malaysian Mapping team the list of median points coordinates which had been calculated by the Indonesian team. The technical teams of Indonesia and Malaysia worked at the Ministry of Land and Mines with the negotiating team for drafting the agreement, headed by Prof. Mochtar, met with their Malaysian counterparts at Wisma Putera (the Ministry of Foreign Affairs of Malaysia). The two teams could only be together when they attended a plenary session.

On 18 September, the Indonesian technical team went to the Malaysian Ministry of Land and Mines to discuss the continental shelf boundary line in the Sulawesi Sea with the Malaysian team. Mr. Haji Yatim, Head of Malaysian Mapping, presented the concept of the Malaysian construction line that constituted the basis for calculating the vanishing lines. Judging from the Malaysian position as presented, it seemed that the concept of the Malaysian construction had overlooked the territorial sea position, offshore of Sebatik Island as well as the existence of Indonesian sovereignty over Sipadan and Ligitan Islands. After the Malaysian team confirmed their explanations on their concept of mapping the continental shelves in the Sulawesi Sea, it was my turn to present to them the concept of Indonesia's continental shelf proposal in the area.

Immediately after the Malaysian team saw that the Indonesian delimitation proposal used Sipadan and Ligitan Islands as basepoints, Haji Yatim, Head of the Malaysian Mapping Team, asked me about the status of ownership over the islands of Sipadan and Ligitan. I indicated that this was based on the Netherlands East

Indian ownership supported by Article IV of the 1891 Convention. I showed the Malaysian team the direction of the boundary line on British maps published by UK Military Survey which supported this position and which reflected the 1891 line which left the islands on the Indonesian side of the boundary.

After seeing the Indonesian representation line, the Malaysian Technical team asked for a postponement of the joint delimitation work to the following day as the Head of Malaysian Mapping team had to report the matter of Sipadan and Ligitan islands, as presented by the Indonesian side, to the Head of the Malaysian Delegation who was still in a meeting with the Indonesian delegation at Wisma Putra. In the meantime, I contacted the Head of the Indonesian Delegation in Wisma Putra to report the new situation.

In the afternoon session, Prof. Mochtar and Mr. Hadjir Djalal came to the Ministry of Lands and Mines, and I explained to our Head of Delegation about the developments in our technical meetings at the Ministry of Land and Mines. At that time, Prof. Mochtar had had informal conversation with the Head of the Malaysian Technical Team. During the conversation, Hadji Yatim told Prof. Mochtar that in Indonesian Act No.4 of 1960, which laid down the legal basis of Indonesian territory, the Sipadan and Ligitan islands were not included. In reply, Prof. Mochtar explained that all islands belonging to the former Netherlands Indies, according to the succession of States, should belong to Indonesia. And the law in that particular Indonesian Act was the result of legislative lapse in the legislative process as well as the use of small-scale maps which were not able to depict certain Indonesian islands. This was also the reason why Act No.4 had omitted certain Indonesian islands in the Straits of Malacca which Malaysia now occupied should be taken into account. During the meeting after lunch, Mr. Hadji Yatim said that the Malaysian side was trying to find evidence of ownership and therefore the delimitation work should be postponed.

On 19 September, at the plenary session at Wisma Putra, the head of the Malaysian Delegation stated that the work of the mapping teams at the Ministry of Land and Mines had to be postponed, in order to await the result of the search for documentary evidence of the ownership of Sipadan and Ligitan islands. The plenary session was then suspended, and when it was re-convened, Encik Mahyuddin stated that, according to the historical evidence, the two islands belong to Malaysia, without presenting any evidence as previously promised. The closing of the meeting which was scheduled of Friday had to be postponed until Monday, 22 September 1969. The Malaysian delegation said that on Saturday and Sunday they would still work on finding the evidence regarding the ownership of Sipadan and Ligitan islands.

On Saturday, 20 September which was supposed to be a holiday, the mapping teams started to work again at the Ministry of Land and Mines to prepare maps as annexes to the agreement on the Malacca Strait and South China Sea area, which was scheduled to be initialed on Monday, 22 September 1969.

In this technical meeting, Mr. Hadji Yatim told me that the Malaysian side had not yet found concrete evidence about the status of Sipadan and Ligitan islands.

The initialing of the Agreement (for the Malacca Strait and the South China sea) was conducted on Monday, 22 September at Wisma Putra Kuala Lumpur.

Due to the impasse that had been reached as a result of Malaysia's claims over Pulau Ligitan and Pulau Sipadan, the matter of delimitation east of Kalimantan had to be put off without prejudice to the position of the Parties.

Jakarta 8 October 1969

Adi Sumardiman (65)
(Former member of the Indonesian Delegation)

Annex C

AFFIDAVIT OF SERGEANT-MAJOR GITO
(INDONESIAN VERSION WITH ENGLISH TRANSLATION)
DATED 3 AUGUST 1999

TRANSLATION

AFFIDAVIT

The undersigned:

Name: Gito

Rank: Sergeant-Major, Marines (Retired)

Address: Official residence Jln Al Panglima Batur RT. XIII

Tarakan Tengah

Hereby states that:

Being the Commander of the Observation Marine Post of the Pancang River at the beginning of 1995, I conducted a survey of Sipadan island to check the security on the island for the coming visit of the General Chief of Staff of the Indonesian Armed Forces (ABRI).

Having conducted the survey for approximately 3 hours, it was concluded that the island was secured for the visit. Before that, as a preliminary step, I approached two officers on duty on the island and informed them about the planned visit to that island.

The officers, who I could not identify, had no objections. Afterwards, I walked around the island and counted the tourist houses there. There were 18 houses, the walls of which are made of "nibung" wood.

It appeared then that the ABRI Chief of Staff and his group did not visit that island; instead, they carried out observations from the air by helicopter. After their departure, I left the island and returned to my post.

This statement is made in truth, to be used where necessary.

Tarakan, 3 August 1999

Signed,

Gito

Sergeant-Major, Marines (retired)

SURAT KETERANGAN

Yang bertanda tangan dibawah ini :

Nama : G I T O

Pangkat : SERMA MARINIR (PURN)

Alamat : RUMDIS TNI AL PANGLIMA BATUR KT. XIII TARAKAN TENGAH.

Bersama ini menyatakan bahwa :

Pada sekitar akhir tahun 1995 (tanggal dan bulan tidak ingat), saya yang saat itu adalah Komandan Pos Pengamat Sungai Pancang melakukan survey ke Pulau Sipadan dalam rangka melakukan pengecekan situasi keamanan di Pulau tersebut sehubungan dengan akan berkunjunganya Kasum ABRI.
Setelah melakukan survey selama kurang lebih 3 jam, dapat disimpulkan bahwa Pulau tersebut aman untuk dikunjungi. Sebelumnya, sebagai langkah awal saya mengadakan pendekatan kepada petugas (dua orang) yang ada di Pulau tersebut untuk memberitahukan bahwa rombongan akan mendarat di Pulau tersebut.
Petugas yang tidak dapat saya kenali identitasnya tersebut tidak berkeberatan. Kemudian saya berjalan mengelilingi pulau dan menghitung rumah-rumah peristirahatan turis yang berada di Pulau tersebut. Jumlah rumah rumah dimaksud adalah 18 (delapan belas) buah rumah yang dindingnya terbuat dari kayu nibung.

Ternyata,rombongan KASUM ABRI tidak jadi melakukan pendaratan di Pulau melainkan hanya meninjau dari udara dengan menggunakan helikopter. Rombongan kemudian terbang kembali kepulau Sebatik. Setelah rombongan bertolak, saya meninggalkan Pulau tersebut kembali ke Pos semula.

Demikian keterangan ini saya buat dengan sebenarnya untuk di pergunakan seperlunya.

Tarakan, 03 Agustus 1999

Yang Membuat

G I T O

SERMA MARINIR (PURN)

Annex D

AFFIDAVIT OF SAILOR 1ST CLASS ILYAS (INDONESIAN VERSION WITH ENGLISH TRANSLATION) DATED 3 AUGUST 1999

TRANSLATION

AFFIDAVIT

The undersigned:

Name: Ilyas M.

Rank: Sailor 1st Class (Retired)

Address: Sebangkok AL RT.08/RW.III No. 98 Tarakan

Hereby states that:

On 27 December 1967, I, 2nd Sergeant-Major (Navy) Ilyas M., NRP.8390, acting as the Commandant of Marine Post 603 Tarakan at Sungai Nyamuk Sebatik, received information from the Nanoekhan fishermen who passed through Sungai Nyamuk Post, that fishermen from Sampurna Sabah, Malaysia had been stealing sea resources from the waters around Sipadan and Ligitan. Based on that information, on 27 December 1967, along with Sailor Winarto and Engineer M. Thalib, using an official longboat with a 40 HP EVINRUDE outboard engine, I conducted a sea patrol to Sipadan and Ligitan islands. After circling Sipadan, we landed on the island. According to our observation, there was no sign or indication that there was any person living on that island. We only saw a lighthouse with faded paint, due to lack of maintenance.

In 1970 I received orders from the Commander of Marine Post 603 to escort Major (Navy) Basuki from the Headquarters of the Indonesian Navy to Sipadan and Ligitan islands using a rented longboat with a MARINER 40 HP engine. Upon arrival on Sipadan island we went ashore for 30 minutes, during which time we met two people with a boat. Asked by Major (Navy) Basuki, one of them said he was from the Bugis tribe and the other from the Timor Flores. Their presence on that island was just for transit. We then left Sipadan island and headed back towards Tarakan.

This document is made in truth, to be used as necessary.

Tarakan, 3 August 1999

Signed,

Ilyas M.

Sailor 1st Class (retired) NRP.8390

SURAT KETERANGAN

Yang bertanda tangan dibawah ini :

Nama : I L Y A S M.

Pangkat : PELTU PELAUT (PURN)

Alamat : SEBENGKOK AL RT.08/RW.III NO.08 TARAKAN.

Bersama ini menyatakan bahwa :

Pada tanggal 27 Desember 1967 saya, Serma Mayor Dua Pelaut ILYAS M Nrp.8390 Komandan Pos Kosub Marsional 603 Tarakan di Sungai Nyamuk Sebatik, mendapatkan informasi dari para nelayan Sumukan yang singgah di Pos Sungai Nyamuk bahwa telah terjadi pencurian hasil laut yang dilakukan diperairan Sipadan dan Ligitan oleh para nelayan dari Sampurna Sabah, Malaysia. Berdasarkan informasi tersebut, pada tanggal 27 Desember 1967, saya bersama Kis WINARTO dan motoris M. THALIB mengadakan patroli laut ke Pulau Sipadan dan Ligitan dengan menggunakan long boat dinas bermesin tempel EVINRUD 40 HP. Setelah mengelilingi Pulau Sipadan, kami mendarat di Pulau tersebut. Berdasarkan hasil pengamatan kami, tidak terdapat tanda-tanda yang mengindikasikan terdapatnya orang yang tinggal di Pulau tersebut. Yang terlihat hanyalah sebuah mercusuar dengan warna yang tidak begitu cerah oleh karena tidak terlalu terawat.

Pada tahun 1970 saya mendapat perintah dari komandan Kosub Marsional 603 untuk mengantar dan mengawal Mayor Laut BASUKI dari Mabes TNI AL ke Pulau Sipadan dan Ligitan dengan menggunakan perahu sewaan bermesin tempel MARINER 40 HP. Sesampainya di Pulau Sipadan kami mendarat selama 30 menit. Waktu itu kami bertemu 2 (dua) orang dan sebuah perahu. Setelah ditanya oleh Mayor Laut BASUKI ternyata seorang adalah suku Bugis dan yang seorang lagi suku Timor Flores. Keberadaan mereka di Pulau tersebut hanya untuk singgah sesaat. Kemudian kami meninggalkan Pulau Sipadan kembali ke Tarakan.

Demikian keterangan ini saya buat dengan sebenarnya untuk di pergunakan seperlunya.

Tarakan, 03 Agustus 1999
Yang Membuat

I L Y A S M.
PELTU PELAUT (PURN) NRP.8390

Annex E

AFFIDAVIT OF MARINE CHIEF CORPORAL SABICHOEN
(INDONESIAN VERSION WITH ENGLISH TRANSLATION)
DATED 3 AUGUST 1999

TRANSLATION

AFFIDAVIT

Name: Imam Sabichoen

Rank: Marine Chief Corporal NRP: 39375

Address: Komplek ALP. Batur No. 136 RT XII Pamusian
Central Tarakan, Kodya Tingkat II Tarakan, East Kalimantan

In 1992, along with a group of scouts (approximately 120 people), using two motor boats *Surya Sebatik* and *Cahaya Pancang*, I left Sei Nyamuk for Sipadan island, and arrived at around 09.00 a.m. We found there an old pier around 30 metres in length, an old house which belonged to Mr. Najib, known to be a Bajauan, and about 20 huts in the area. When we landed on Sipadan island, we were asked by the people on the island where we came from. The scouts answered that they came from Sei Nyamuk, Sebatik. After about 2 hours, we returned to Sei Nyamuk.

This statement is made in truth, to be used where necessary.

Tarakan, 3 August 1999

Signed,

Imam Sabichoen

SURAT PERNYATAAN -

Nama : IMAM SANICHOEN
Pkt : KAPTEN LAUT/P
Alamat : KESDAM AL. P. BATUR NO. 126. BS. XIII
PANUNGGU TARAKAN TENGAH KOTA TK II BULUNGAN
KALTIM.

TH. 1992 MALAYSIA MENGADAKAN PERTEMUAN ± 120 ORANG
DARI KPC. KAN SUNGAI SEMANTIK, KAN BALIKPAPAN BERSAMA MEREKA
KET DARI SOI DIPANGGIL KE SEMBADAN. PP. JAM ± 09.00,
ADA DIANTARA MEREKA ± 30 M, ADA 1 PANGGIL TUA AMI PAK
HAJIP UMUR BAJAU INDONESIA DAN BANYAK LAGI ± 20 ORANG. WAKTU KONFERENSI DI SEMBADAN DITANYA DARI
ARAH JAWABAN DARI SUDARI DIANGGAP SEMANTIK OLEH
ORANG YANG BERADA DI SITU. ± 2 JAM PERTEMUAN INI
SUDARI DIANGGAP.

DEMIKIAN PERNYATAAN INI DIBUAT DENGAN SE
BENARNYA. UNTUK DIPERGUNAKAN SEPERLUNYA.

TARAKAN: 3 AGUSTUS 1999

IMAM S

Annex F

AFFIDAVIT OF SERGEANT-MAJOR SOEKARDI
(INDONESIAN VERSION WITH ENGLISH TRANSLATION)
DATED 3 AUGUST 1999

TRANSLATION

AFFIDAVIT

The undersigned:

Name: **Soekardi**

Rank: **Sergeant-Major MDL NRP.31872**

Position: **Chief of Marine Unit, Tarakan Navy Base**

Address: **Rumah Dinas TNI-AL Panglima Batur RT XIII Central Tarakan, Phone: (0551) 23482**

As a crew member of Navy Ship *KRI Ular Sanca*, I was assigned in 1965 to sail to Tarakan and the surrounding area from Surabaya. In the same year, the *KRI Ular Sanca*, no. 8118 conducted a patrol in the area of Sipadan island and its surrounding waters.

Having sailed around Sipadan Island, we found nobody on the island. Soon afterwards, our chief engineer, 2nd Sergeant Sudarsono ordered us to be ready with our weapons. The Captain of *KRI Ular Sanca*, 1st Navy Sergeant-Major Suwarno signalled all the crews to be combat ready. At around 10 p.m. from the direction of Tawau, an unidentified warship appeared. The Captain ordered all the crew to get ready and to load their weapons.

After a short while the Captain ordered us to return to the Navy Base at Nanoekhan island. On the way back we were surprised by a flare shot in the sky, however we continued to sail towards Nanoekhan.

This statement is made in truth, to be used where necessary.

Tarakan, 3 August 1999

Signed,

Soekardi

Sergeant-Major MDL NRP.31872

Yang bertanda tangan dibawah ini :

Nama Lengkap : SOEKARDI
Pangkat : SERMA NDL NRP. 31672
Jabatan : DAN SATRA LANAL TARAKAN
Alamat Kesatuan : KANTOR TNI AL PANGLIMA BATUR NT. XIII TARAKAN TIMUR TELP. (0551) 23482

Menjelaskan yang sebenarnya bahwa pada tahun 1985 (tanggal dan bulan lupa) kami sebagai ABK KI Ular Sanca, diperintahkan dari Surabaya segera berlayar ke wilayah Tarakan dan sekitarnya. Pada bulan itu juga KI Ular Sanca dengan nomor lambung 8118 segera melakukan operasi diwilayah perbatasan Pulau Sipadan dan sekitarnya.

Setelah kami beroperasi melintasi perbatasan Pulau Sipadan, tidak ada serorangpun yang berada dipulau tersebut.
Tidak lama kemudian KRI (Soreon Dan Mon Sudarsono) memerintahkan segera mempersiapkan semua senjata-senjata.
Komandan KI Ular Sanca (Soreon Mayor Satu Pelaut Suwarno) memberi isyarat agar semua anggota siap tempur.
Kira-kira jam 10.00 dari arah Tawao keluar sebuah kapal perang Asing. Komandan memerintahkan semua ABK untuk bersiap-siap dan mengisi semua senjata dengan satu peluru masuk kedalam kamar dalam keadaan terkunci.

Tidak lama kemudian Komandan memerintahkan putar haluan untuk kembali kepangkalan atau menuju ke Pulau Nunukan.
Tidak kami ketahui jam berapa pada waktu itu, dimana kami semua terheran melihat tembakan suar kearah atas, tapi Komandan tetap menuju Nunukan.

Demikian keterangan ini saya buat dengan sebenarnya untuk di pergunakan seperlunya.

Tarakan, 08 Agustus 1999
Yang Membuat

SOEKARDI
SERMA NDL NRP.31672

Annex G

AFFIDAVIT OF SERGEANT-MAJOR SUMARJONO
(INDONESIAN VERSION WITH ENGLISH TRANSLATION)
DATED 3 AUGUST 1999

TRANSLATION

AFFIDAVIT

The undersigned:

Name: **Sumarjono**

Rank: **Sergeant-Major Marines NRP.23387**

Address: **Sebengkok AL RT. VII RW 111 Tarakan**

Hereby states that:

1. **SEA PATROL ACTIVITIES:**

a) **In the month of May 1967, I, having the rank of Prako Satu of the Navy Commando Corps (ICKO AL) along with Prako Satu Suroyo, and Prako Satu T. Sulaiman, who was at that time with the Sub-Detachment of the Navy Commando Corps stationed in Sional Tarakan, received orders from the commander of Sional Tarakan, Naval Major (Ret.) R. Suprapto, to conduct a sea patrol around the islands of Tarakan, Bunyu, Nanoekhan and Sebatik in Indonesia.**

The commanding officer of the patrol was Plt Tlg Supriyadi with the PHB Sional Tarakan. I have no knowledge of their current domicile due to their transfer to Surabaya and Jakarta following their duties on Tarakan. Neither can I recall the duty order number. Plt Tlg Supriyadi was in charge of the order.

b) **The order for the patrol was given with the consideration that the islands of Bunyi, Nanoekhan and Sebatik (Indonesia) were uninhabited, due to the withdrawal of the 1st Brigade of the Navy Commando Corps back to Surabaya following the completion of its security mission during the Confrontation with Malaysia.**

c) **At that time the Navy Commando Corps Sub-Detachment was one platoon strong (approximately 33 personnel) under platoon commander Plt Kko Pardi (deceased).**

2. EQUIPMENT USED FOR SEA PATROL

The equipment used for the sea patrol at that time included a long boat fitted with two 4 PK outboard engines, with engineer Mr. Mustang and assistant engineer Mr. Yunus, both former members of the Navy Commando Corps volunteer force during the Confrontation with Malaysia.

3. ROUTE OF PATROL

Having departed from Tarakan we headed towards Bunyu island and made a stop at the Sional Observation Post at Bunyu island to report that we would be patrolling around the waters of Bunyu island. After reporting this, we immediately conducted patrol duty and spent the night Tg. Daun/Haus. The next morning we continued the patrol around Nanoekhan island and at 19.15 made a stop at Sional Tarakan Observation Post on Nanoekhan island, at Limujung. We stayed for one night due to the weather and sea conditions which did not permit night-time activities.

The following morning we resumed our patrol around Nanoekhan island towards the island of Sebatik (Indonesia) and spent two nights at Pancang river while repairing the boat and outboard engine which were damaged. The island of Sebatik (Indonesia), from Pancang river to Tawau river was not inhabited; there were only fishermen from Nanoekhan and Tawau who often landed to catch fish, and the island was also used as a hideout by smugglers.

After spending two nights there and having the boat and engines repaired, the patrol commander ordered us to follow the map we had, and to head towards Sipadan island. We moved away from Sebatik island around 10.30 towards Sipadan island and arrived at 16.14 in the afternoon. The journey took a considerable time due to the high waves which forced us to use only one outboard motor. As a result of the unfavourable weather, we spent the night on Sipadan island since it was not possible to head back.

The next morning at around 07.00 we left the island and immediately headed towards Sebatik island following the coast of Malaysia.

4. SITUATION ON SIPADAN ISLAND AT THAT TIME

On our return to Sebatik island, we went near the island of Ligitan. The island of Sipadan-Ligitan at that time was uninhabited. There were only 3 metre pins trees on it.

5. OTHER INCIDENTS

After only 30 minutes of sailing towards Sebatik island, we came across a fisherman from Malaysia. As we got near he took off in the direction of Sampurna using a boat with INZANI engines. Many fishermen from Malaysia in 1967 used SEAGULL and INZANI outboard engines.

6. MISCELLANEOUS

During our sea patrol around the border, we always wore full uniform and insignias which were easily recognizable by our own men or by Malaysians, and during our stay at Sipadan island and at the Tawau light, we never came across any Malaysian warships or police patrol boats.

7. END NOTES

The above details are a description of the situation on the islands of Sipadan and Ligitan in 1967 to the best of my knowledge as since 1968 we have not had any information about any developments on the two islands.

This statement is made in truth, to be used where necessary.

Tarakan, 3 August 1999

Signed,

Sumarjono

Sergeant-Major, Marines NRP 23387

SURAT KETERANGAN

Yang bertanda tangan dibawah ini :

N a m a : S U N A R J O N O

Pangkat : SERMA MARINIR NRP. 23387

A l a m a t : SEKSEKTOR AL RT.VII RW.III TARAKAN.

Dengan ini menyatakan bahwa :

1. KEGIATAN PATROLI LAUT :

a) Pada bulan Mei 1967 (tanggal dan hari tidak ingat), saya pada waktu itu berpangkat Prako Satu KKO AL bersama dengan Prako Satu SUKARTO, Prako Satu T. SULAIMAN saat itu anggota Sub Detasemen KKO AL yang ditempatkan di Sional Tarakan , mendapat perintah dari Komandan Sional Tarakan, Mayor Laut (P) R. SUPRAPTO, untuk melaksanakan patroli laut disekitar Pulau Tarakan, Pulau Bunyu, Pulau Nunukan dan Pulau Sebatik Indonesia.

Adapun Komandan patroli adalah Plt Tlg SUPRIYADI anggota PHB Sional Tarakan. Domisili ketiga anggota saat ini tidak saya ketahui, sehubungan dengan pindahnya mereka ke Surabaya dan Jakarta sesuai penugasan di Tarakan. Demikian pula dengan nomer Epsin pelaksanaan tugas patroli tersebut. Surat Perintah dipegang oleh Plt Tlg SUPRIYADI.

b. Dasar diperintahkannya tugas patroli laut tersebut yang ingat Pulau Bunyu, Pulau Nunukan dan Pulau Sebatik Indonesia dalam keadaan kosong, karena ditariknya seluruh pasukan Brigrad Satu KKO AL kembali ke Surabaya sehubungan dengan selesainya tugas pengamanan selama konfrontasi dengan Malaysia.

c. Pada saat itu kekuatan anggota Sub Detasemen KKO AL yang ditempatkan di Sional Tarakan berjumlah satu peleton (kurang lebih 33 anggota) dengan Komandan Peletonnya waktu itu Ala Plt KKO PARDI.

2 SARANA YANG DIGUNAKAN UNTUK TUGAS PATROLI LAUT :

Sarana yang dipergunakan untuk tugas patroli laut pada waktu itu adalah long boat yang dilengkapi dua buah mesin tempel 40 PK dengan motoris Sdr. MUSTANG dan pembantu motoris Sdr.YUNUS kedunya adalah anggota sukwat KKO AL saat konfrontasi dengan Malaysia.

/3. KUTE PATROLI.....

3 PATROLI YANG DITEMUKAN :

Berangkat dari Tarakan menuju Pulau Bunyu dan singgah di Pos Pemeriksaan Sional Pulau Bunyu untuk memberitahukan bahwa kami akan berpatroli di sekitar perairan P.Bunyu. Selesai melapor langsung melaksanakan tugas patroli dan bermalam di Tg.Daun / Maus. Besok paginya melanjutkan tugas patroli disekitar P.Nunukan dan pada pukul 19.15 singgah di Pos Pemeriksa Sional Tarakan yang berada di P.Nunukan, tepatnya di Limujung. Kami bermalam satu malam dikarenakan cuaca dan laut yang tidak memungkinkan untuk bergerak di malam hari.
Pada esok paginya kami melanjutkan tugas patroli di sekitar P. Nunukan langsung menuju P.Sebatik Indonesia dan bermalam di Sungai Pancang selama dua malam sambil memperbaiki perahu dan mesin tempel yang mengalami kerusakan. Pulau Sebatik Indonesia mulai dari Sungai Pancang sampai dengan Sungai Taiwan waktu itu belum berpenduduk, hanya nelayan dari Nunukan dan Tawao yang sering singgah disana untuk menangkap ikan disamping juga sering dipergunakan para penyelundup untuk bersembunyi.

Setelah bermalam dua malam dan mesin maupun perahu sudah baik, atas dasar peta yang dibawa, Dan patroli memerintahkan untuk menuju Pulau Sipadan. Kami bergerak dari Pulau Sebatik sekitar pukul 10.30 langsung menuju Pulau Sipadan dan sampai pada pukul [illegible].15 sore. Waktu yang ditempuh cukup lama disebabkan oleh gelombang laut yang cukup tinggi sehingga mengharuskan kami untuk hanya menggunakan satu mesin. Mengingat cuaca yang kurang menguntungkan, kami menginap satu malam di Pulau Sipadan karena tidak memungkinkan untuk kembali.

Besok paginya sekitar pukul 07.00 kami bergerak meninggalkan Pulau tersebut langsung menuju ke Pulau Sebatik menyusur pantai daerah Malaysia.

4 SITUASI PULAU SIPADAN PADA SAAT ITU :

Pada saat kembali ke Sebatik, kami sempat mendekati Pulau Ligitan. Situasi Pulau Sipadan - Ligitan saat itu kosong, tidak berpenghuni, hanya terdapat satu batang pohon cemara setinggi kurang lebih 3 M.

5. HAL-HAL LAIN YANG DITEMUI/DIJUMPAI :

Pada saat kami baru berlayar selama kurang lebih 30 menit dengan tujuan Pulau Sebatik, kami menjumpai satu orang nelayan dari Malaysia. Begitu akan kami dekati nelayan tersebut lari kearah Sampurna dengan menggunakan perahu bermesin INZANI pada saat itu, karena pada umumnya nelayan-nelayan dari Malaysia di tahun 87-an sudah banyak yang menggunakan mesin kapal tempel merk SEAGULL dan INZANI.

6. LAIN - LAIN :

Selama kami melaksanakan tugas patroli laut di daerah perbatasan, kami selalu menggunakan seragam lengkap dan tanda - tanda yang mudah dikenal baik oleh teman sendiri ataupun oleh pihak Malaysia, dan selama kami berada di Pulau Sipadan

/ maupun sekitar.....

sampun sekitar lampu merah Tanjo kami tidak pernah bertemu dengan kapal-kapal perang Malaysia sampun kapal-kapal patroli Police Malaysia.

7. K E S I M P U L A I

Demikian gambaran situasi Pulau Sipadan dan Ligitan pada saat tahun 1967 yang kami ketahui, sedang untuk tahun 1968 sampai dengan sekarang kami tidak pernah mengetahui perkembangan kedua Pulau tersebut.

Demikian keterangan ini saya buat dengan sebenarnya untuk dipergunakan seperlunya.

Tarakan, 08 Agustus 1969

Yang Membuat

R U M A J O N O

SERDA MARINIR NRP.23307

Annex H

AFFIDAVIT OF SERGEANT-MAJOR WEKU (INDONESIAN VERSION WITH ENGLISH TRANSLATION) DATED 3 AUGUST 1999

TRANSLATION

AFFIDAVIT

The undersigned:

Name: Max R. Weks

Rank: Sergeant-Major BA.I NRP.34142

Position: Soldier at Lowest Rank Tarakan Navy Base

Address: Jl. Cendawan Rw.IV RT X No. 25 Selumit Central Tarakan, Phone: (0551) 51473

Hereby states that:

As 1st Seaman at the end of 1968 along with Engineer-Corporal Mindi, Engineer-Sergeant Basir Usman and Engineer 1st Assistant-Lieutenant Sungilman, I made an observation trip to the Marine Post at Bunyu island and the Marine Post at Nanoekban island using two 40 HP long boats. We left Navy Station Quarters 603 Tarakan (now Tarakan Navy Base) around 6.30 a.m. for the Marine Post at Bunyu island. We arrived at the island at about 7.30 a.m. and unloaded supplies of one bag of rice and vegetables for the Navy Checkpoint Post on Bunyu island.

At around 8.00 a.m. we left for the Marine Post at Nanoekban. Heavy rains, fogs and high waves at 9.00 a.m. forced us to reduce speed. At twelve 12 a.m., the weather brightened and in front of the ship we could see a tower. With the ship drifting, Sailor-Engineer Sungilman gave orders to set course for the lighthouse, located on the southern part of Sipadan island.

We arrived at Sipadan island a few minutes past 12.00 a.m., landed on the northern part of the island and prepared lunch. Sailor-Engineer Sungilman and Engineer-Sergeant Basir Usman made a trip to the lighthouse. The island seemed barren, the only plants on it being a few small pine trees. At around 2.30 p.m., after lunch, Sailor-Engineer Sungilman gave orders to set course back towards Tarakan Navy Base and we arrived at 7.30 p.m.

By orders given in 1987 and 1988, I, along with 2nd Sergeant Bah Agus Pranoto (currently 1st Sergeant, retired), the late 2nd Marine Sergeant Girot Endoy, 1st Marine Corporal Imam Sabichoen (1st Corporal, retired), 1st Marine Corporal J. Bolkim (transferred to Manado), and Mulsain as the cook and engineer, conducted a patrol to Sipadan and Ligitan islands. There were trees on the islands and, through our binoculars, we could see a few structures already built on the islands. The Patrol Operation Commandant who at that time

was 1st Sergeant Mdl Harlin Harahap (retired), used a KAL 708 patrol boat, which he later changed to a KAL Mahakam.

In 1989, I accompanied the Operational Commandant of Tarakan Naval Base, Lieutenant Colonel Navy (P) Alyas Muhammad (presently a member of North Sulawesi Regency House of Representatives from the ABRI Faction) in conducting an air patrol using a Nomad Aircraft with the destination of Sipadan and Ligitan islands. At that time there were about 2 to 4 structures on Sipadan island.

At the end of June 1992, I accompanied the newly appointed Operational Commandant of Tarakan, Lieutenant Navy (P) M. Soegiarto (presently Navy Colonel (P) as the Intelligence Assistant of the West Fleet Commander), using a Nomad aircraft piloted by 1st Lieutenant Guntur (whose current rank is a Major in Surabaya), in conducting an air patrol above Sipadan and Ligitan islands.

By that time the structures had increased to more than 8 on the island. Around the beginning of 1994, I, as the Commandant of motor boat M.12 KAL 1332 (later changed to KAL Sesayap I.420) along with crew members 1st Corporal Marines, J. Bokian, PHL Sahril, and Commandant of Navy Post Nanoekhan 1st Class Nurdin Effendy, observed the visit of a group of scouts from Sungai Pancang to Ligitan island. The leader was 1st Corporal Marine Imam Sabichoen, a member of the Sungai Pancang Marine Post.

This document is made in truth, to be used where necessary.

Tarakan, 3 August 1999

Signed,

Max R. Weku

Sergeant-Major BAH NRP.34142

SURAT KETERANGAN

Yang bertanda tangan dibawah ini :

Nama : MAX . R . WEKU
Pangkat : SERMA NAH NRP. 34142
Jabatan : BA SET LANAL TARAKAN
Alamat : JL. CENDAWAN BW.IV RT.X NO.25 SKLIMIT TARAKAN TENGAH TELP. (0551) 51473.

Menyatakan bahwa :

1. Kira-kira pada akhir tahun 1968 saya yang pada saat itu berpangkat Kelasi Satu Pelaut bersama dengan Kopral Mesin Misdi, Smd Mesin Basir Usman dan Plt Mesin Sungilman (Kopral Mesin Misdi pindah ke Surabaya, Smd Mesin Usman pindah ke Padang, dan Plt Mesin Sungilman telah meninggal dunia) mengadakan peninjauan ke Pos Kotermar Pulau Bunyu dan Pos Kotermar Nunukan dengan menggunakan 2 (dua) buah long boat bermesin 40 PK.
Berangkat dari Kosub Marsional 603 Tarakan (sebutan Lanal Tarakan pada waktu itu) kurang lebih pukul 08.30 menuju ke Pos Kotermar Pulau Bunyu. Tiba di Pulau Bunyu kurang lebih pukul 07.30 dan menurunkan beras 1 (satu) karung dan syur-sayuran untuk keperluan Pos Pemeriksa AL di Pulau Bunyu.
Sekitar pukul 08.00 berangkat menuju Pos Kotermar Nunukan, sekitar pukul 09.00 hujan deras, berkabut, dan bergelombang sehingga kecepatan dikurangi. Kurang lebih pukul 12.00 cuaca kembali cerah dan di haluan terlihat sebuah menara, karena hanyut Plt Mesin Sungilman memerintahkan menuju menara mercusuar yang berada disebelah Selatan Pulau Sipadan. Tiba di Pulau Sipadan pukul 12.00 lewat langsung mendarat disebelah utara untuk masak makan siang. Plt Mesin Sungilman dan Smd Mesin Basir Usman ke menara mercusuar, keadaan Pulau boleh dikatakan tandus yang ada hanya beberapa pohon cemara yang masih kecil.
Kurang lebih pukul 14.30 selesai makan siang, Plt mesin Sungilman memerintahkan untuk kembali ke Kosub Marsional Tarakan dan tiba pukul 19.30.

2. Atas perintah, pada tahun 1987 atau 1988 (tanggal dan bulan tidak ingat) saya (sebagai Palaksa) bersama dengan Serda Bah Agus Pranoto (sekarang purnawirawan Sertu), Alm Serda Mar Girot Endey, Koptu Mar Imam Sobichoen (sekarang purnawirawan Koptu), Koptu Mar J.Bokian (pindah ke Manado), dan PHL Muksin sebagai juru masak merangkap motoris mengadakan patroli ke Pulau Sipadan - Ligitan yang ternyata telah banyak pepohonan, dan kami teropong dari jauh telah ada bangunan. Kegiatan patroli dengan Komandan Sertu Mdl Harlin Harahap (sekarang purnawirawan) tersebut menggunakan kapal patroli KAL 708 yang kemudian berganti nama menjadi KAL Mahakam.

3. Pada tahun 1989 saya mendampingi Komandan Sicnal Tarakan Letkol Laut (P) Alyas Muhammad (sekarang anggota DPRD TK.II Sultra untuk Fraksi ABRI) mengadakan patroli udara dengan menggunakan Pesawat Nomad menuju Pulau Sipadan - Ligitan. Pada saat itu telah ada kurang lebih 2 atau 4 bangunan di Pulau Sipadan.

4. Sekitar akhir Juni 1992 mendampingi Komandan Sional Tarakan yang baru saat itu, Letkol Laut (P) M.Soegiarto (sekarang Kolonel Laut (P) menjabat sebagai Asintel Pangarmabar) menggunakan Pesawat Nomad dengan Pilot Lettu Guntur (sekarang Mayor di Surabaya) mengadakan patroli udara diatas Pulau Sipadan - Ligitan. Saat itu bangunan telah bertambah menjadi 8 atau lebih.

5. Sekitar awal tahun 1994, saya Komandan Speed M.12 KAL 1332 sekarang KAL Sesayap 7.420 dengan anggota Koptu Mar J. Bokian, PHL Sahril, Komandan PosaL Nunukan Peltu Mar Nurdin Efendi mengawasi dari jauh dari atas kapal, kunjungan Pramuka Sungai Pancang ke Ligitan, yang diantaranya terdapat Pembina Pramuka Koptu Mar Imam Sobichoen, anggota Posmat Sungai Pancang.

Demikian Surat Keterangan ini saya buat dengan sebenarnya, untuk dipergunakan seperlunya.

Tarakan, 03 Agustus 1999

Yang Membuat

MAX R. WEKU
SERMA BAE NRP. 34142

Annex I

AFFIDAVIT OF HAJI ADAM BEDDU
(INDONESIAN VERSION WITH ENGLISH TRANSLATION)
DATED 10 SEPTEMBER 1999

TRANSLATION

AFFIDAVIT

Name: Haji Adam Beddu
Age: 55 years
Address: Gunung Lingkas RT 3, No. 5, East Tarakan, East Kalimantan
Occupation: Fishery Business

I have been living in Tarakan since 1963 working as a fisherman. After the confrontation with Malaysia in 1965, I used to fish in the area from the Bunyu island waters to the Sipadan waters using a 5 HP motor boat. In the Sipadan waters, I used to fish in an area about 1 mile from the island of Sipadan. Usually I stayed in the area for approximately one week and remained on the boat. Therefore, I brought enough food. I was never prevented by the police from fishing in the Sipadan waters.

I never landed on Sipadan island, but I could still see Sipadan clearly from the location where I fished. At night, I could see the light of the lighthouse on Sipadan island.

I have never fished in Sipadan waters since 1967 due to the increase in the number of pirates operating in the area.

Tarakan, 10 September 1999
Signed,

Haji Adam Beddu

SURAT PERNYATAAN

Saya yang bertanda tangan di bawah ini

Nama	:	Haji Adam Bedda
Umur	:	59 TAHUN
Alamat	:	Gunung Lingkas RT 3, No. 5 Tarakan Timur, Kalimantan Timur
Pekerjaan	:	Pengusaha Perikanan

Saya tinggal di Tarakan sejak tahun 1963 dan menjadi nelayan. Sejak sebelumnya era konfrontasi dengan Malaysia pada tahun 1965, saya sering menangkap ikan di perairan pulau Bunyu sampai ke perairan Sipadan dengan menggunakan perahan motor berkekuatan 5 PK. Di perairan Sipadan, saya menangkap ikan di wilayah yang jaraknya kira-kira 1 mil dari pulau Sipadan. Biasanya, saya menangkap ikan di wilayah itu selama kira-kira 1 minggu dan menginap di pantai. Untuk itu, saya membawa bekal makanan. Saya tidak pernah diganggu-gugat oleh polisi untuk menangkap ikan di perairan Sipadan.

Saya tidak pernah masuk ke pulau Sipadan sepi saya bisa melihat jelas pulau tersebut dari lokasi tempat saya mencari ikan. Pada malam hari, saya dapat melihat sinar lampu mercusuar di pulau Sipadan.

Saya tidak pernah lagi menangkap di perairan Sipadan sejak tahun 1967 karena banyaknya perampokan.

Demikian pernyataan ini dibuat dengan sebenarnya untuk dipergunakan sepatutnya.

Tarakan, 10 September 1999

(Haji Adam Bedda)

Annex J

AFFIDAVIT OF HAJI BUSTANI BIN MUSA
(INDONESIAN VERSION WITH ENGLISH TRANSLATION)
DATED 10 SEPTEMBER 1999

TRANSLATION

AFFIDAVIT

Name: Haji Bustani bin Musa

Age: 73 years

Address: RT VI/III Sebangkok West Tarakan, East Kalimantan

Occupation: Fisherman

I herewith declare that within the period from 1955 to the present I have been living in Tarakan. Between 1959 to 1962, I often fished in the waters around Sipadan in an area of about 1 mile from Sipadan island. I used a sailing boat from Tarakan to the fishing area. I stayed in the area for up to 3 to 6 months and remained in the boat. I fished during the day and slept in the boat during the night. But, when the weather was bad, I sailed to Sipadan island, which took approximately 20 minutes, to find shelter. I remained on the island until the weather improved and sometimes I needed to spend the night there. On the island there was a lighthouse which was not functioning because the light was not working. The lighthouse was made of steel and was approximately 10 metres in height. There was a plate attached to the steel which showed the Dutch flag coloured red, white and blue.

During my fishing trips in the waters around Sipadan and during any nights spent on Sipadan island, I never encountered any obstacles from law-enforcement officers, either Indonesian officers or Malaysian officers. Neither have I seen any Malaysian patrol vessels passing through the waters around Sipadan. During my fishing trips in the area, a number of times, I saw Indonesian warships passing through the waters around Sipadan.

Sipadan island has always been a place for shelter for Indonesian Fishermen and Pirates during bad weather.

Tarakan, 10 September 1999

Signed,

H. Bustani bin Musa

SURAT PERNYATAAN

Saya yang bertanda tangan di bawah ini :

1. Nama : Haji Bustani bin Musa
2. Umur : 73 TAHUN
3. Alamat : RT VI/III Sebengkok Tarakan Barat, Kalimantan Timur
4. Pekerjaan :Pensiunan.

Menerangkan bahwa pada periode sejak tahun 1955 s/d sekarang saya bertempat tinggal di Tarakan. Antara tahun 1959 s/d tahun 1962, saya sering melakukan penangkapan ikan di sekitar perairan Sipadan pada daerah yang jaraknya sekitar 1 mil dari pulau Sipadan. Dari Tarakan ke daerah penangkapan ikan, saya menggunakan perahu layar. Saya pergi ke daerah penangkapan ikan untuk selama 3 s/d 6 bulan dan tinggal di perahu. Penangkapan ikan dilakukan pada siang hari sedangkan pada malam hari biasanya saya tidur di perahu. Namun kalau cuaca sedang buruk, maka saya menuju ke pulau sipadan untuk berlindung, yang jaraknya kira-kira tidak lebih dari 20 menit dari wilayah penangkapan. Saya berlindung di pulau Sipadan sampai cuaca baik dan kadang-kadang sampai menginap beberapa malam di pulau tersebut. Di pulau tersebut terdapat mercusuar yang sudah tidak berfungsi lagi karena tidak menyala. Mercusuar itu terdiri dari besi yang tingginya kira-kira 10 meter. Pada tiang mercusuar terpampang plat besi dengan cat warna bendera Belanda, yaitu merah putih biru.

Selama melakukan penangkapan ikan di perairan Sipadan maupun selama menginap di Pulau Sipadan, saya tidak pernah mendapat hambatan dari aparat hukum, baik aparat Indonesia maupun aparat Malaysia. Saya juga tidak pernah melihat kapal patroli Malaysia melintasi perairan Sipadan. Selama saya menangkap ikan, saya pernah beberapa kali melihat kapal perang Indonesia melintasi perairan Sipadan.

Pulau Sipadan memang selalu dijadikan tempat perlindungan bagi nelayan-nelayan Indonesia dan perampok jika cuaca sedang buruk.

Demikian surat pernyataan ini dibuat sebenarnya untuk dipergunakan seperlunya.

Tarakan, 10 September 1999

H. Bustani bin Musa

Annex K

AFFIDAVIT OF HAJI JUNUDDIN
(INDONESIAN VERSION WITH ENGLISH TRANSLATION)
DATED 10 SEPTEMBER 1999

TRANSLATION

AFFIDAVIT

Name: Haji Jumuddin
Age: 40 years
Address: Gunung Lingkas RT 1 no. 6, East Tarakan, East Kalimantan
Occupation: Prawn Fisherman

I started working as a fisherman in 1973. I fished using a gill net and 5HP motor boat. The fishing area extended from Bunyu island to the waters around Sipadan up to about 2 miles from the island. Apart from myself, there were also other fishermen from Tarakan fishing in the same area. For safety reasons, the fishing was carried out in groups of fishermen.

I have never set foot ashore on Sipadan island since I have never needed to. When I reached the area about 2 miles from Sipadan island, I would sail back to Bunyu island.

Since 1974, I have never fished in the Sipadan area because I began to fish for prawns.

Tarakan, 10 September 1999
Signed,

H. Jumuddin

SURAT PERNYATAAN

Saya yang bertanda tangan di bawah ini :

Nama	:	Haji Jamaddin
Umur	:	40 tahun
Alamat	:	Gunung Lingkas RT I no. 6, Tarakan Timur, Kalimantan Timur
Pekerjaan	:	Pemanbak udang

Saya mulai menjadi nelayan sejak tahun 1973. Saya menangkap ikan dengan menggunakan pukat dan kapal bermesin 5 PK. Daerah penangkapan ikan dimulai dari pulau Bunyu ke arah perairan Sipadan sampai pada lokasi yang jaraknya kira-kira 2 mil dari Pulau Sipadan. Selain saya, banyak nelayan-nelayan asal Tarakan yang menangkap ikan di wilayah yang sama. Untuk keamanan, penangkapan ikan biasanya dilakukan bersama-sama oleh para nelayan.

Saya tidak pernah mendarat di pulau Sipadan karena tidak perlu mendarat di pulau itu. Kalau sudah sampai pada lokasi yang jaraknya kira-kira 2 mil dari Pulau Sipadan, saya kembali ke pulau Bunyu.

Sejak tahun 1974 saya tidak pernah lagi menangkap ikan di perairan Sipadan karena sejak itu saya menangkap udang liar yang lokasinya di dekat pantai Tarakan.

Demikian pernyataan ini dibuat dengan sebenarnya untuk dipergunakan seperlunya.

Tarakan, 10 September 1999

H. Jamaddin

Annex L

AFFIDAVIT OF HAJI ZAENUDDIN EFFENDY
(INDONESIAN VERSION WITH ENGLISH TRANSLATION)
DATED 10 SEPTEMBER 1999

TRANSLATION

AFFIDAVIT

Name: Haji Zaenuddin Effendy
Age: 65 years
Address: Mamburungan RT IX, Tarakan Timur
Occupation: Port Labourer

I have been living in Tarakan since 1959. I started working as a fisherman in 1959 and continued to do so until 1961. After 1961 I worked in Tawau as a labourer in a choco plantation. From 1959 to 1961, I used to fish in the waters around Sipadan at about 1 mile from the shore of Sipadan using a sailing boat. Sometimes I also fished near the shore of Sipadan island. Normally, I stayed in the fishing area and fished there from 1 to 6 months. During that period, I stayed in the boat but sometimes I stayed overnight on Sipadan island during bad weather.

There was nobody living permanently on the island at that time. Usually the people who visited the island were Indonesian fishermen who stayed there to seek shelter from bad weather. Sometimes at high tide, my boat drifted towards Ligitan island and became stranded on the island.

In the waters around Sipadan, I never encountered any Malaysian Patrol boats. I often came across Malaysian Patrol Boats in the waters close to Tawau.

The catch was sometimes brought to Nunukhan and Tawau to be sold. At that time, Indonesians had free access to enter and leave Tawau.

Usually, after staying for 1 to 6 months at sea and having caught enough, I returned to Tarakan to see my family. After staying in Tarakan for about 1 week, I would sail back to the waters around Sipadan to catch fish.

Tarakan, 10 September 1999
Signed,

Haji Zaenuddin Effendy

SURAT PERNYATAAN

Saya yang bertanda tangan di bawah ini :

Nama	:	Zainuddin Effendy
Umur	:	65 Tahun
Alamat	:	Mamburungan RT IX, Tarakan Timur
Pekerjaan	:	Buruh Pelabuhan

Saya bertempat tinggal di Tarakan sejak tahun 1959. Saya bekerja sebagai nelayan sejak tahun 1959 s/d 1961. Setelah tahun 1961, saya bekerja di Tawau sebagai buruh kebun cokiat. Pada tahun 1959 s/d 1961, saya sering menangkap ikan di perairan Sipadan yang jaraknya sekitar 1 mil dari pantai Sipadan dengan perahu layar.. Kadang-kadang saya juga mencari ikan sampai mendekati pantai pulau Sipadan. Biasanya, saya berada di perairan Sipadan dan menangkap ikan di wilayah tersebut selama 1 s/d 6 bulan. Selama itu, saya tidur di perahu namun kadang-kadang juga menginap di pulau Sipadan kalau cuaca buruk.

Di pulau Sipadan pada waktu itu tidak ada orang yang tinggal menetap. Biasanya orang-orang yang di pulau itu adalah para teman-teman nelayan Indonesia yang ingin berlindung dari cuaca buruk. Kadang-kadang kalau arus sedang pasang tertinggi (air jadi), maka perahu saya dibawa arus kearah pulau Ligitan dan terdampar di pulau itu.

Di perairan Sipadan, saya belum pernah berpapasan dengan kapal patroli Malaysia. Kapal patroli Malaysia sering saya jumpai di perairan dekat Tawau.

Hasil tangkapan ikan kadang-kadang saya bawa ke Nunukan dan Tawau untuk di jual. Pada waktu itu orang-orang Indonesia bebas untuk keluar dan masuk Tawau.

Setelah memperoleh hasil tangkapan selama kiran-kira 1/sd 6 bulan, saya kembali ke Tarakan untuk bertemu keluarga. Setelah kira-kira 1 minggu di Tarakan saya kembali menangkap ikan ke perairan Sipadan.

Demikian pernyataan ini dibuat dengan sebenarnya untuk dipergunakan seperlunya.

Tarakan, 10 September 1999

Zainuddin Effendy

Annex M

AFFIDAVIT OF IDRIS SAID
(INDONESIAN VERSION WITH ENGLISH TRANSLATION)
DATED 10 SEPTEMBER 1999

TRANSLATION

AFFIDAVIT

Name: Idris Said
Age: 58
Address: Jambatan besi RT 1 no 26, East Tarakan, East Kalimantan
Occupation: Retired fisherman

I have been living in Tarakan since 1963. I worked as a day labourer at Tarakan Harbour until 1968. As from 1968, I worked as a fisherman and at that time I used to fish around Bunyu island using a sailing boat. In 1970 I started fishing using a 20 HP motor-powered boat with a gill net for fishing. I used to fish in the waters around Sipadan which was a journey of approximately four hours from Tarakan.

I usually fished in the area approximately 1 to 2 miles from Sipadan island, for about 7 to 10 days. At night I slept in the boat. I sometimes set anchor off the shore of Sipadan and in the morning took a walk on the island for exercise. I often took turtle eggs from the island.

During my fishing trips in the waters around the island, I never came across any Malaysian Patrol boats. I used to see Malaysian Patrol boats only in the waters around Tawau. On a number of occasions, I came across Indonesian Patrol boats.

On the island at that time, there were 4 huts occupied by people who introduced themselves as coming from Derawan island. These Derawan people set fishing nets along the shore of Sipadan to catch fish at high tide. They stayed on the island occasionally for up to three months and then left the island and came back again later.

On Sipadan island there was a lighthouse which was in working order.

Since 1975, I have never visited Sipadan island again, due to piracy.

Tarakan, 10 September 1999
Signed,

Idris Said

SURAT PERNYATAAN

Saya yang bertanda tangan dibawah ini :

Nama	:	Idris Said
Umur	:	58 tahun
Alamat	:	Jembatan besi RT I no 26, Tarakan Timur, Kalimantan Timur
Pekerjaan	:	Pensiunan

Saya tinggal di Tarakan sejak tahun 1963. Sampai pada tahun 1968 saya menjadi buruh kayu di pelabuhan Tarakan. Sejak tahun 1968 saya menjadi nelayan dan pada waktu itu sering menangkap ikan di sekitar pulau Bunyu dengan perahun layar. Sejak tahun 1970 saya menangkap ikan dengan perahu bermesin yang berkekuatan 20 PK dan menggunakan pukat hanyut. Dengan perahu bermesin tersebut, saya sering menangkap ikan di perairan Sipadan, yang jarak tempuhnya dari Tarakan kira-kira 4 jam.

Biasanya saya melakukan penangkapan ikan di perairan yang jaraknya kira-kira 1 s/d 2 mil dari pulau Sipadan untuk selama kira kira 7 s/d 10 hari. Pada malam hari saya tidur di perahu. Kadang-kadang saya berlabuh di pantai Sipadan dan pagi harinya saya jalan-jalan mengitari pulau tersebut untuk melepas lelah. Saya juga sering mengambil telur penyu yang ada di pulau itu.

Selama saya berada di perairan Sipadan, saya tidak pernah bertemu dengan kapal patroli Malaysia. Saya sering berpapasan dengan kapal patroli Malaysia hanya di perairan Taweu. Saya pernah beberapa kali berpapasan dengan kapal patroli Indonesia selama menangkap ikan di perairan Sipadan.

Di pulau tersebut pada waktu itu ada kira-kira 4 gubuk yang dibuat oleh orang-orang yang mengaku dari Derawan. Orang-orang Derawan ini membangun jaring-jaring ikan di pantai Sipadan untuk menangkap ikan pada waktu air pasang. Mereka tinggal di pulau itu secara musiman kira-kira 3 bulan saja dan meninggalkan pulau itu untuk kembali lagi.

Di pulau Sipadan terdapat penyu dan berlingai.

Saya tidak pernah lagi mengunjungi pulau Sipadan sejak tahun 1975 karena banyak perampokan.

Demikian pernyataan ini dibuat dengan sebenarnya untuk dipergunakan sepatutnya.

Tarakan, 10 September 1999

Idris Said

CASE CONCERNING SOVEREIGNTY OVER PULAU LIGITAN AND PULAU SIPADAN
(INDONESIA/MALAYSIA)

MEMORIAL

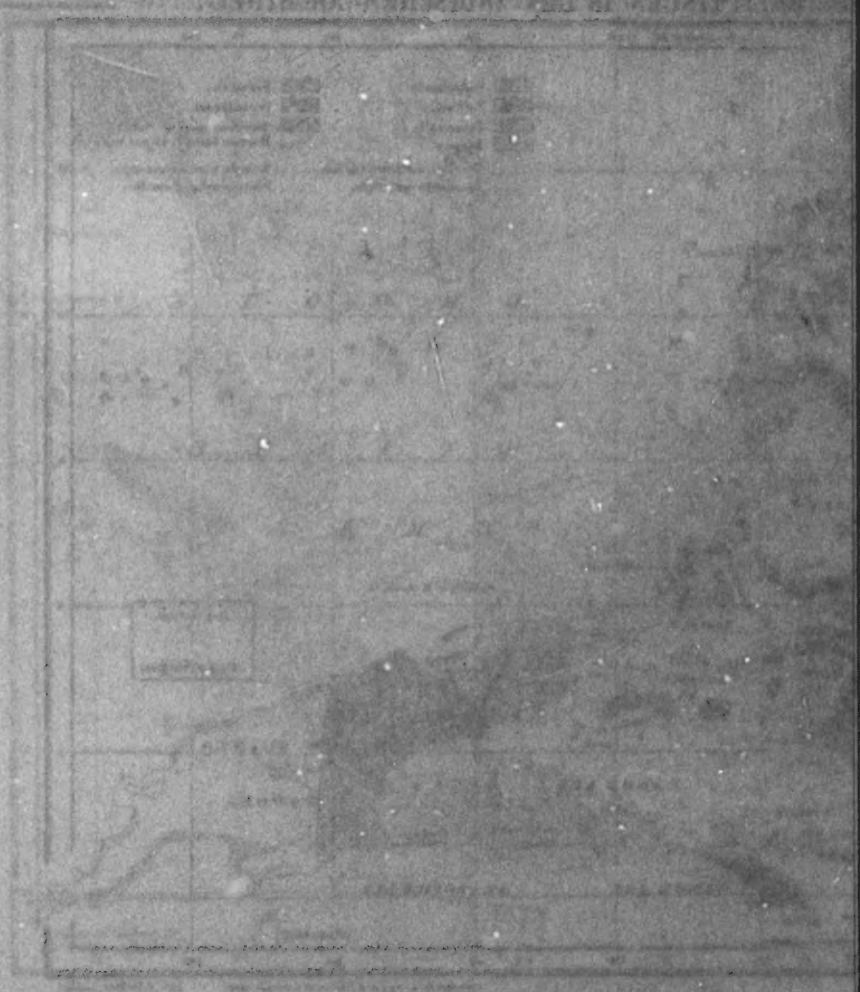
SUBMITTED BY

THE GOVERNMENT OF THE REPUBLIC OF INDONESIA

MAP ATLAS

2 NOVEMBER 1999

MAP N° 1



CASE CONCERNING SOVEREIGNTY OVER PULAU LIGITAN AND PULAU SIPADAN
(INDONESIA/MALAYSIA)

MEMORIAL

SUBMITTED BY

THE GOVERNMENT OF THE REPUBLIC OF INDONESIA

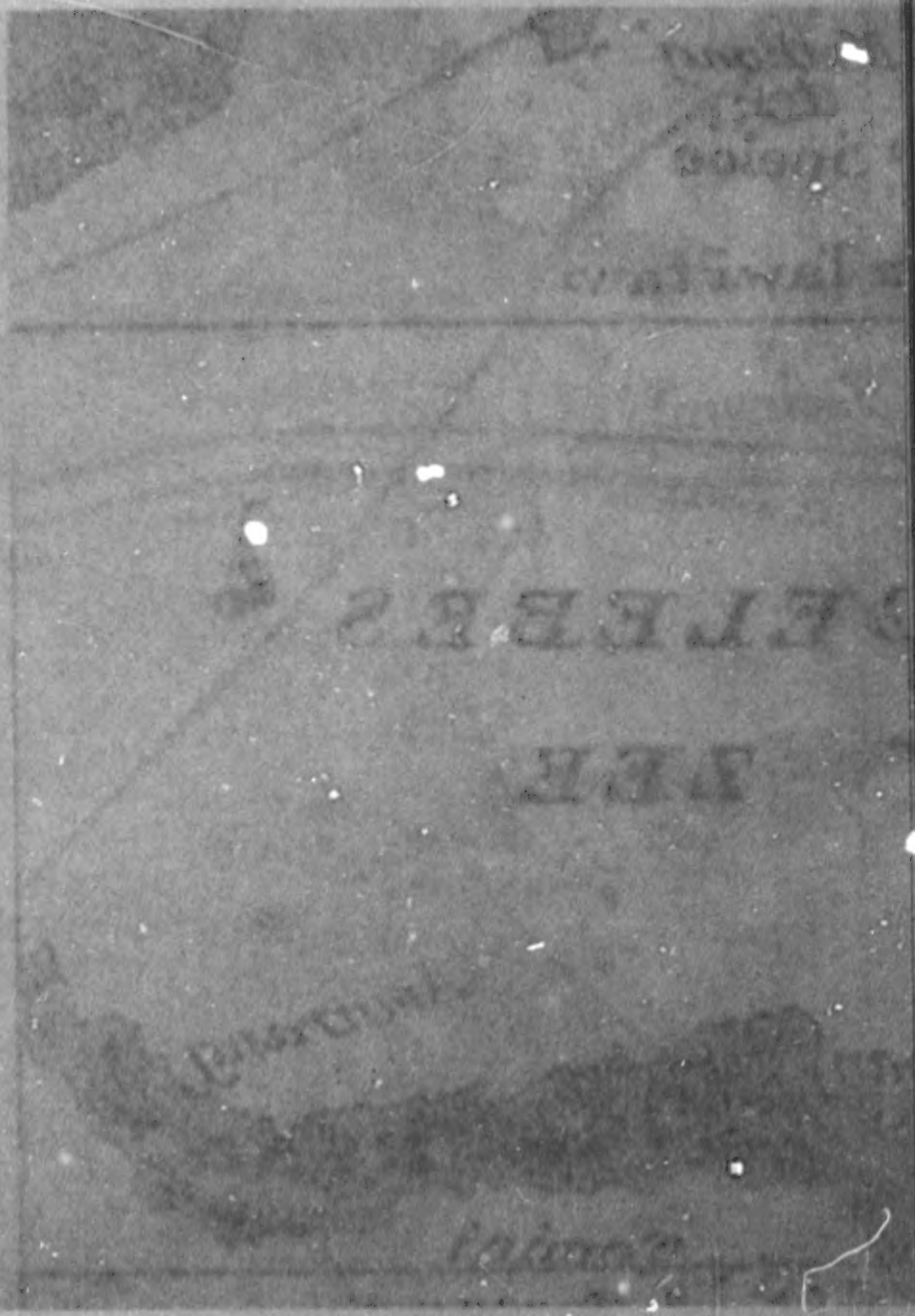
MAP ATLAS

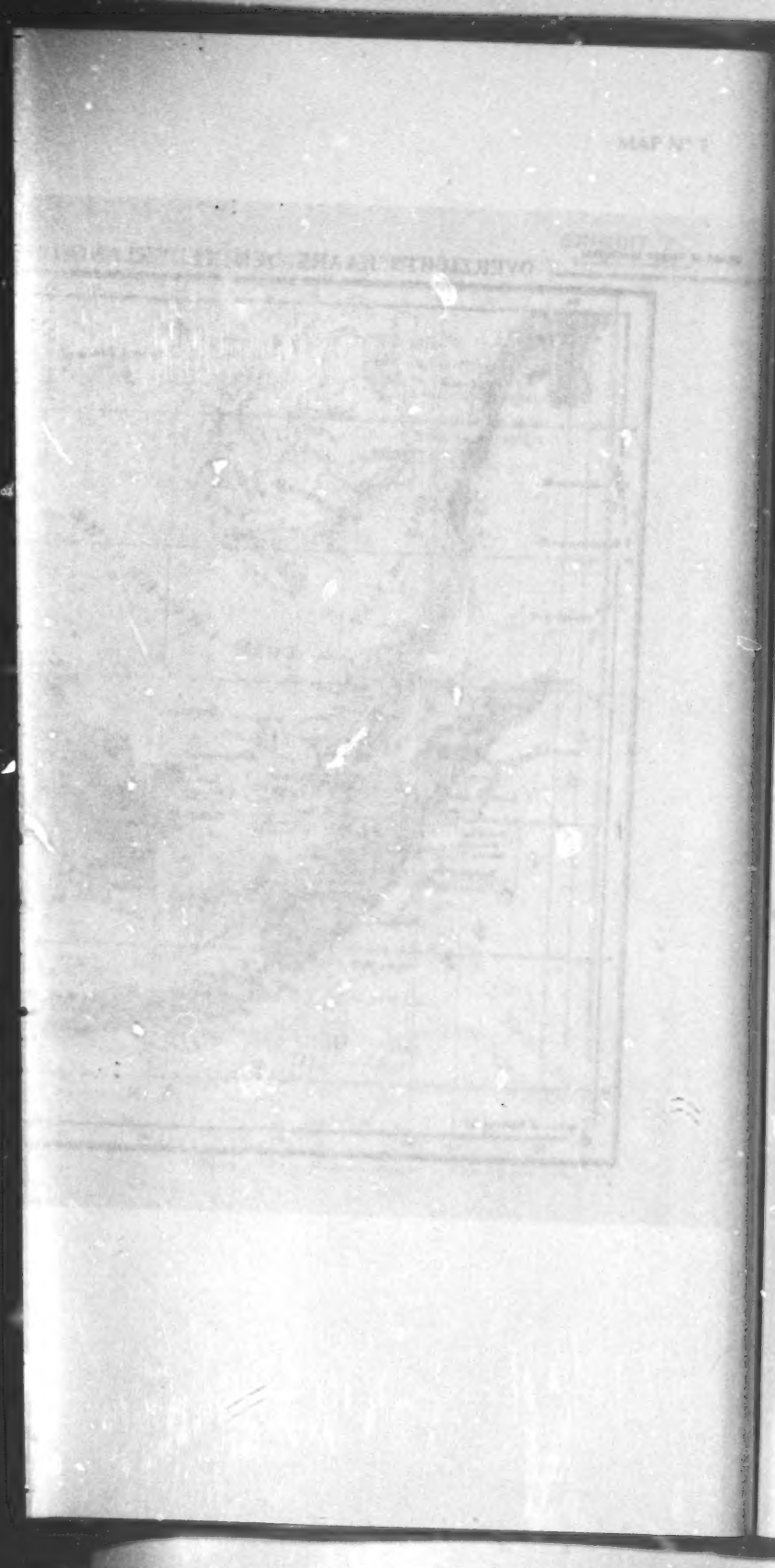
3 NOVEMBER 1998

MAP N° 1

EXHIBIT 7

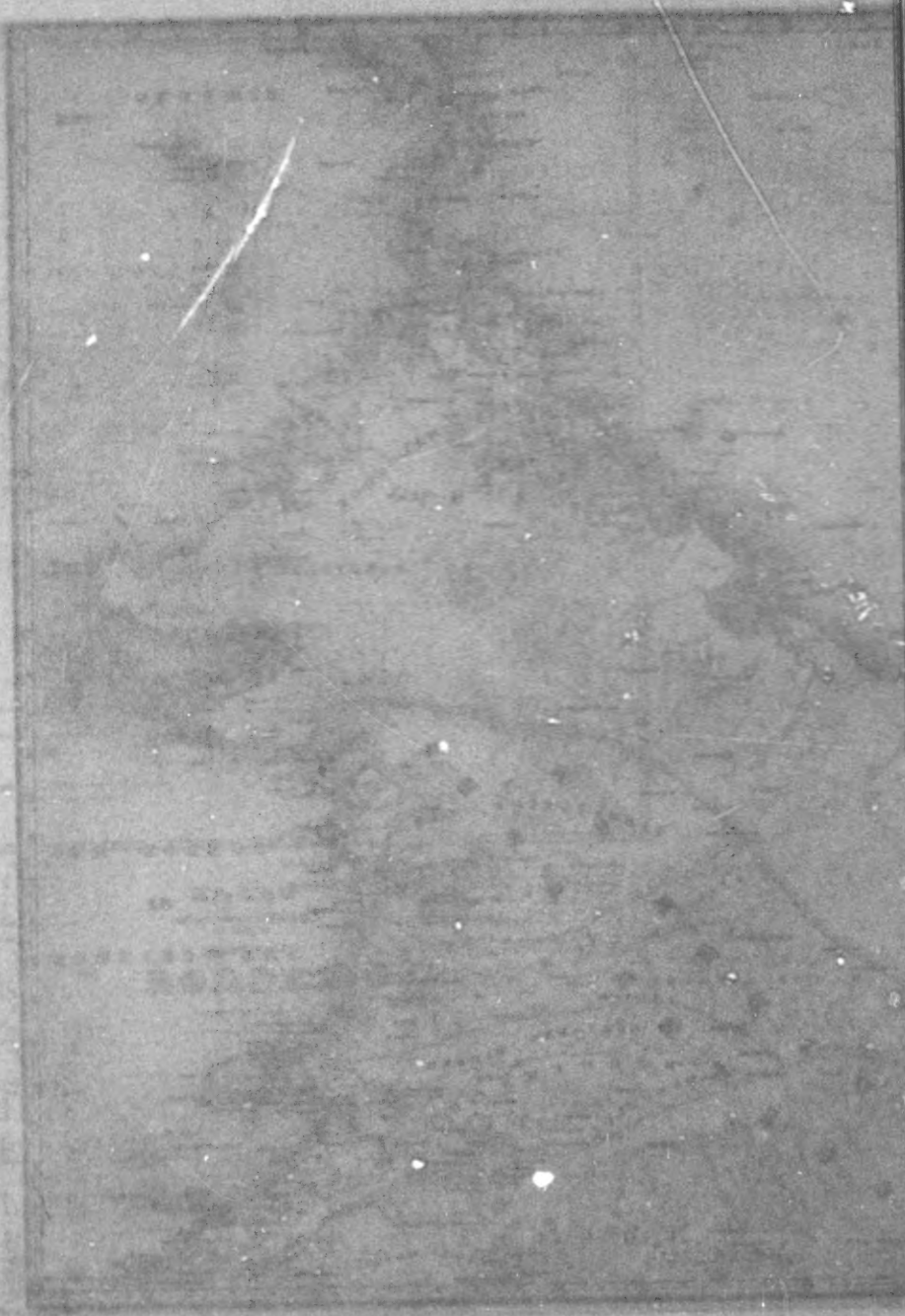
MAP N° 1 (Enlargement)



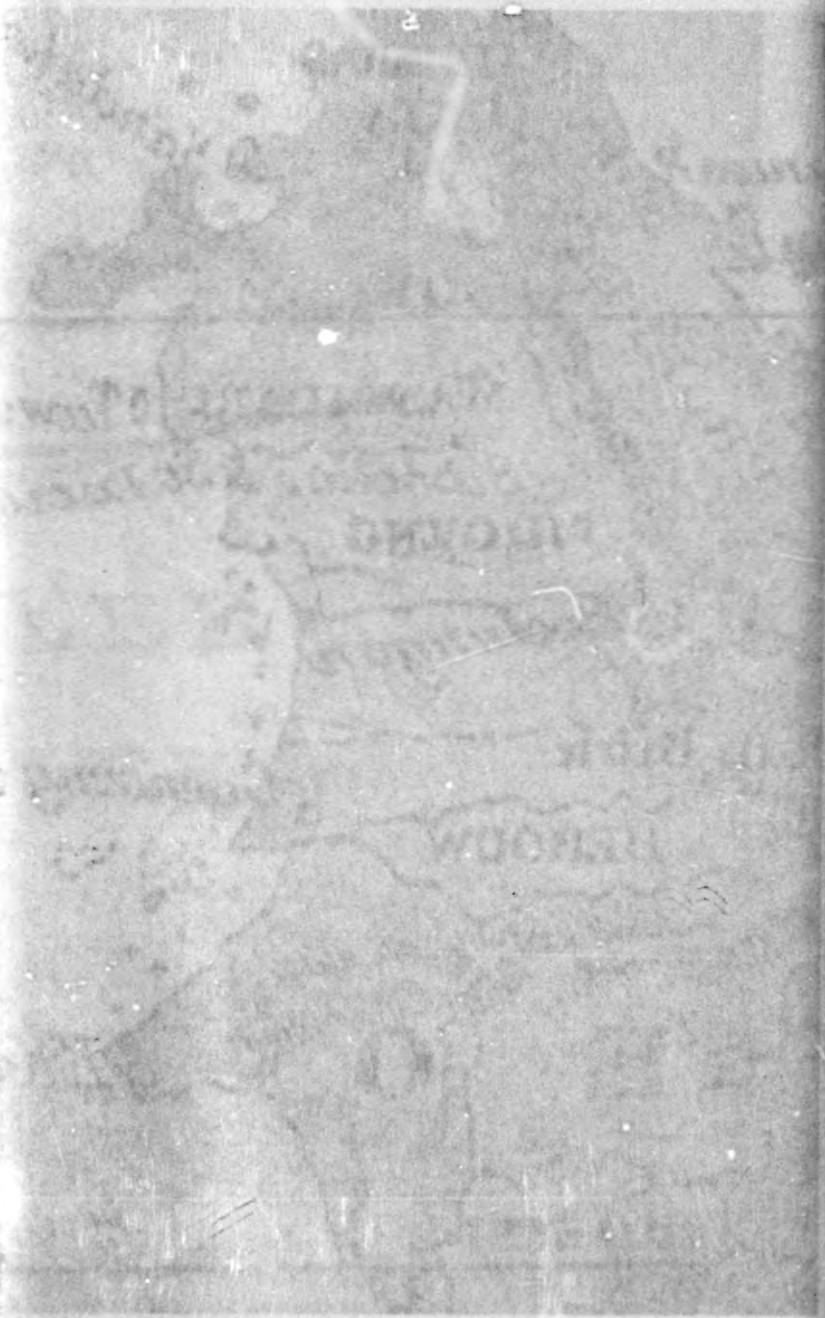


MAP N° 1 (Enlargement)

MAP N° 2

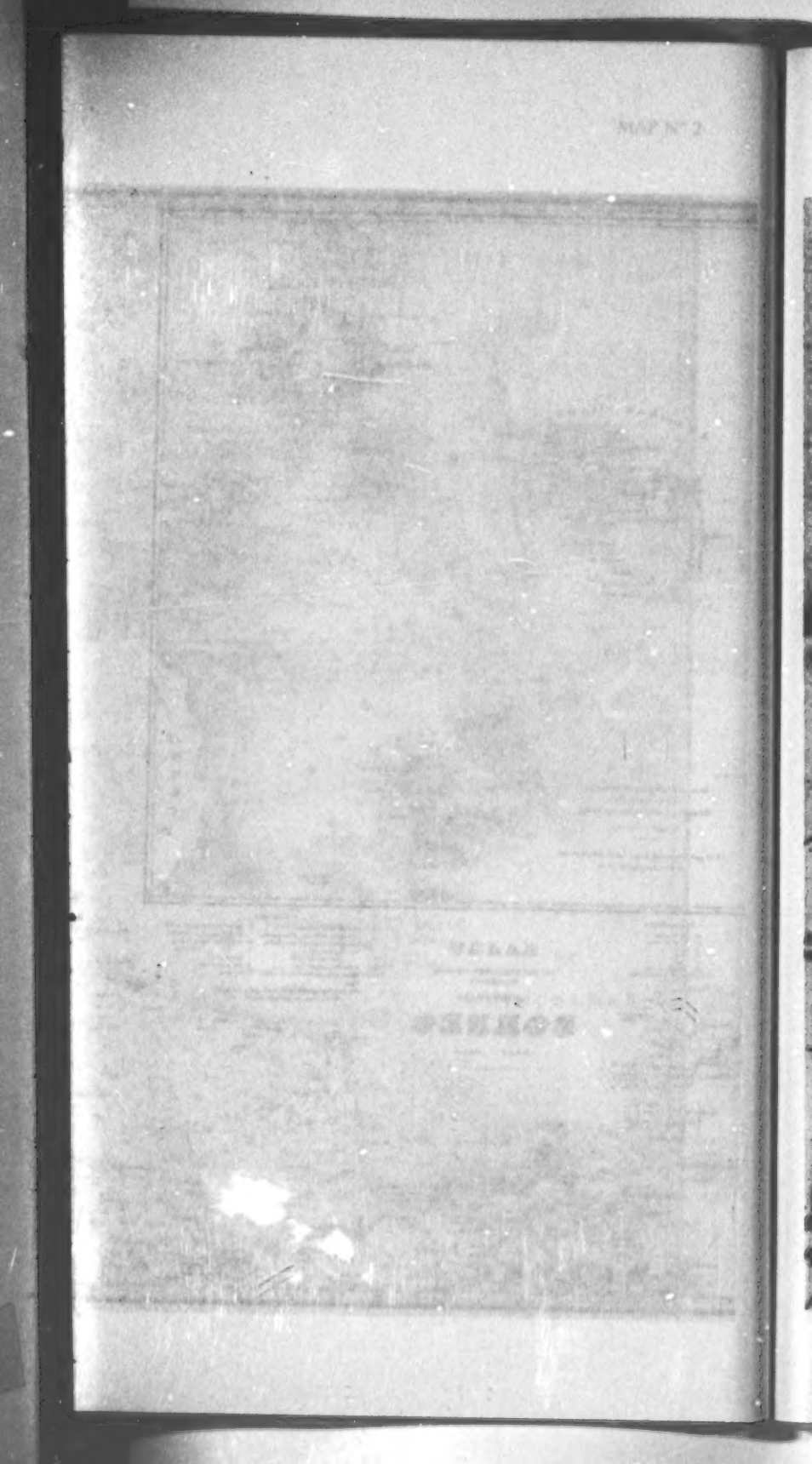


MAP N° 1 (Enlargement)

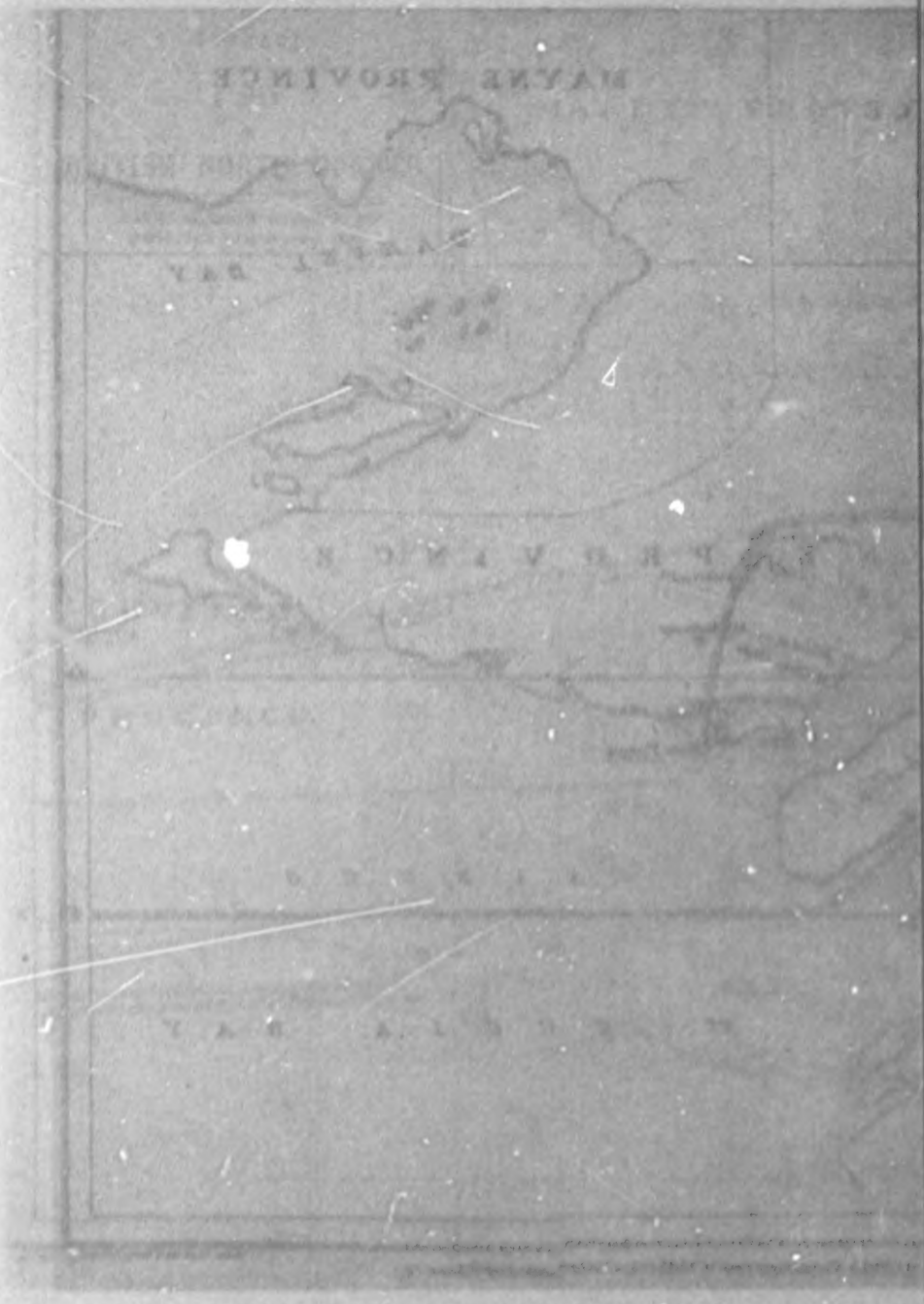


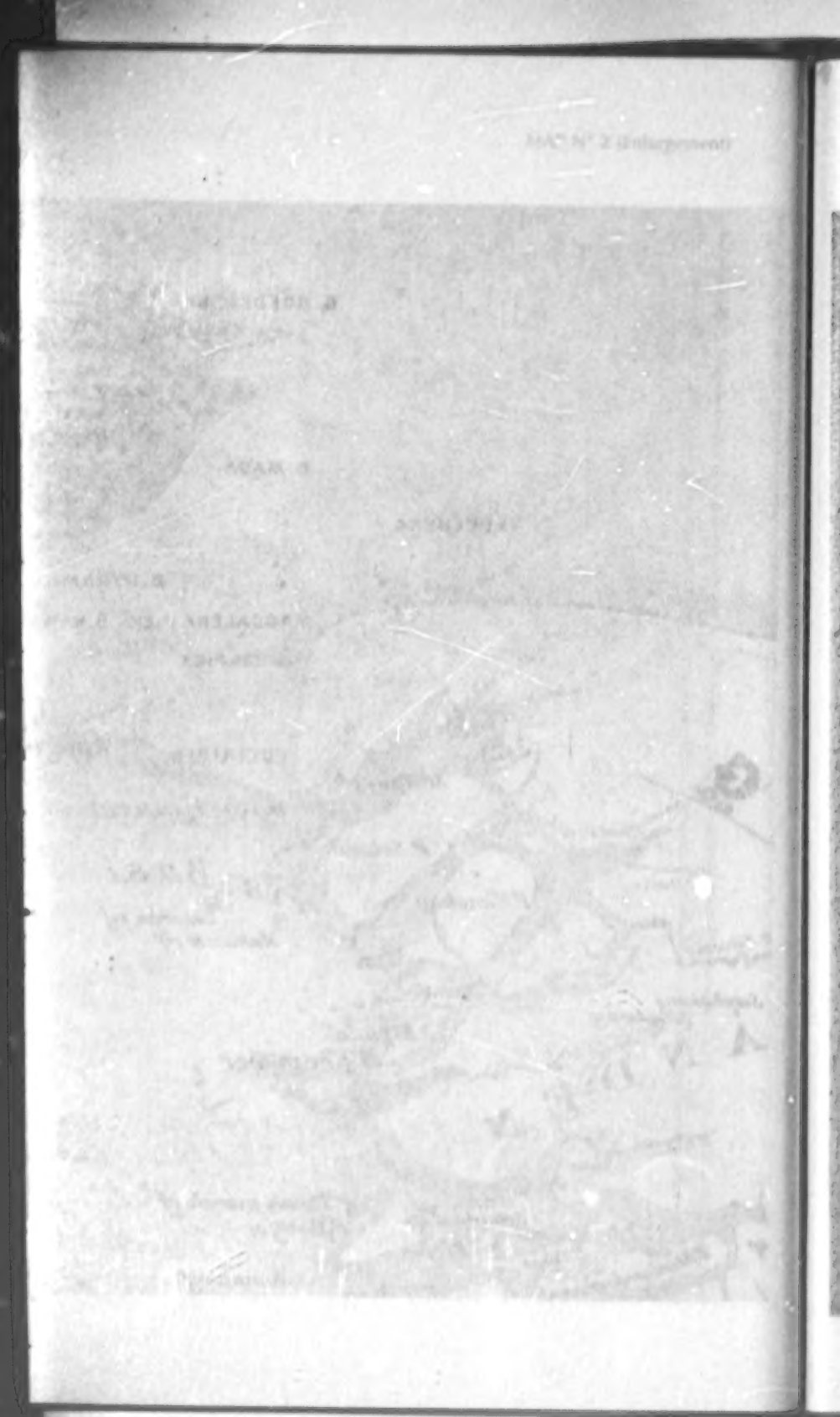
MAP N° 2

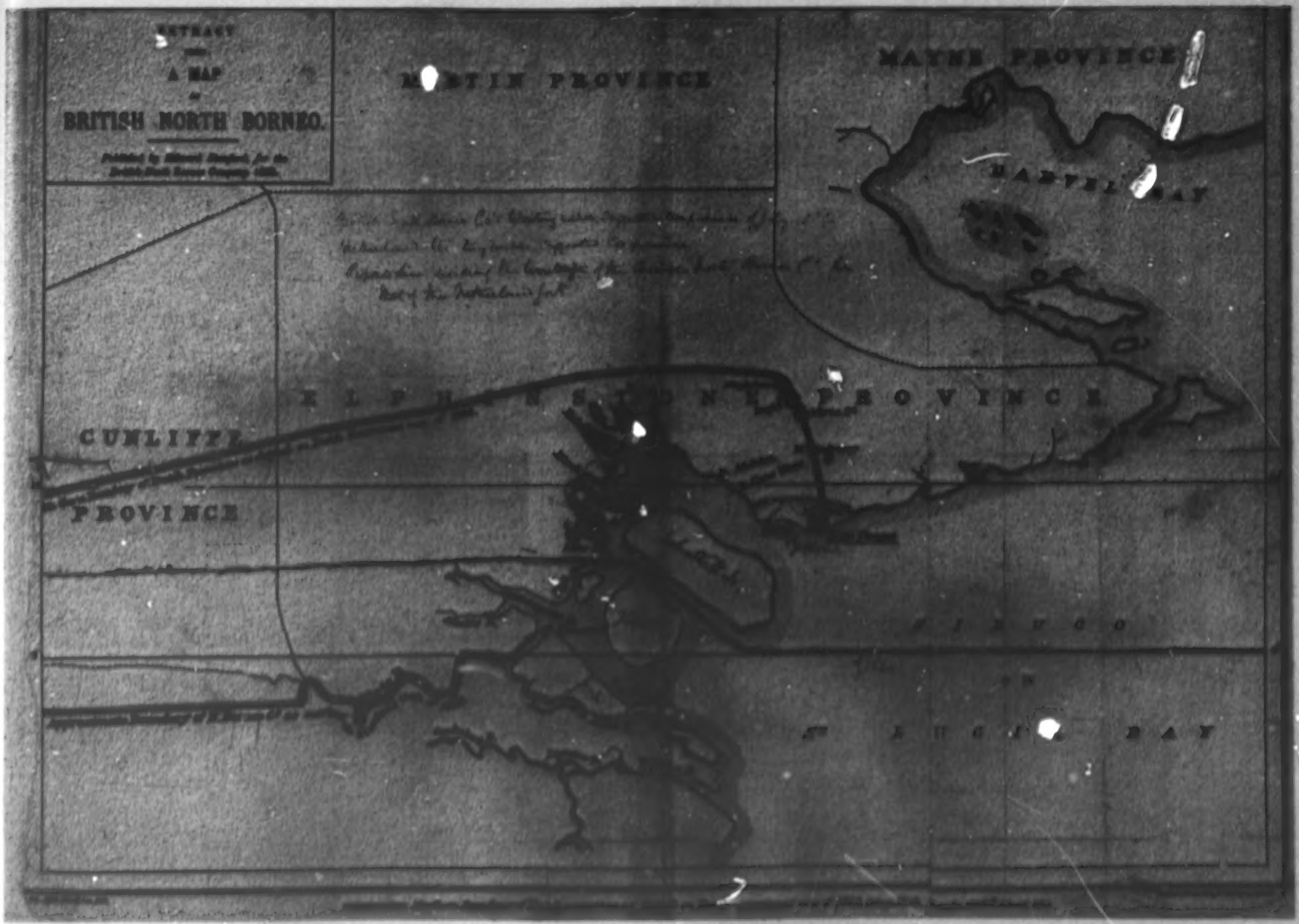
MAP N° 2 (Enlargement)



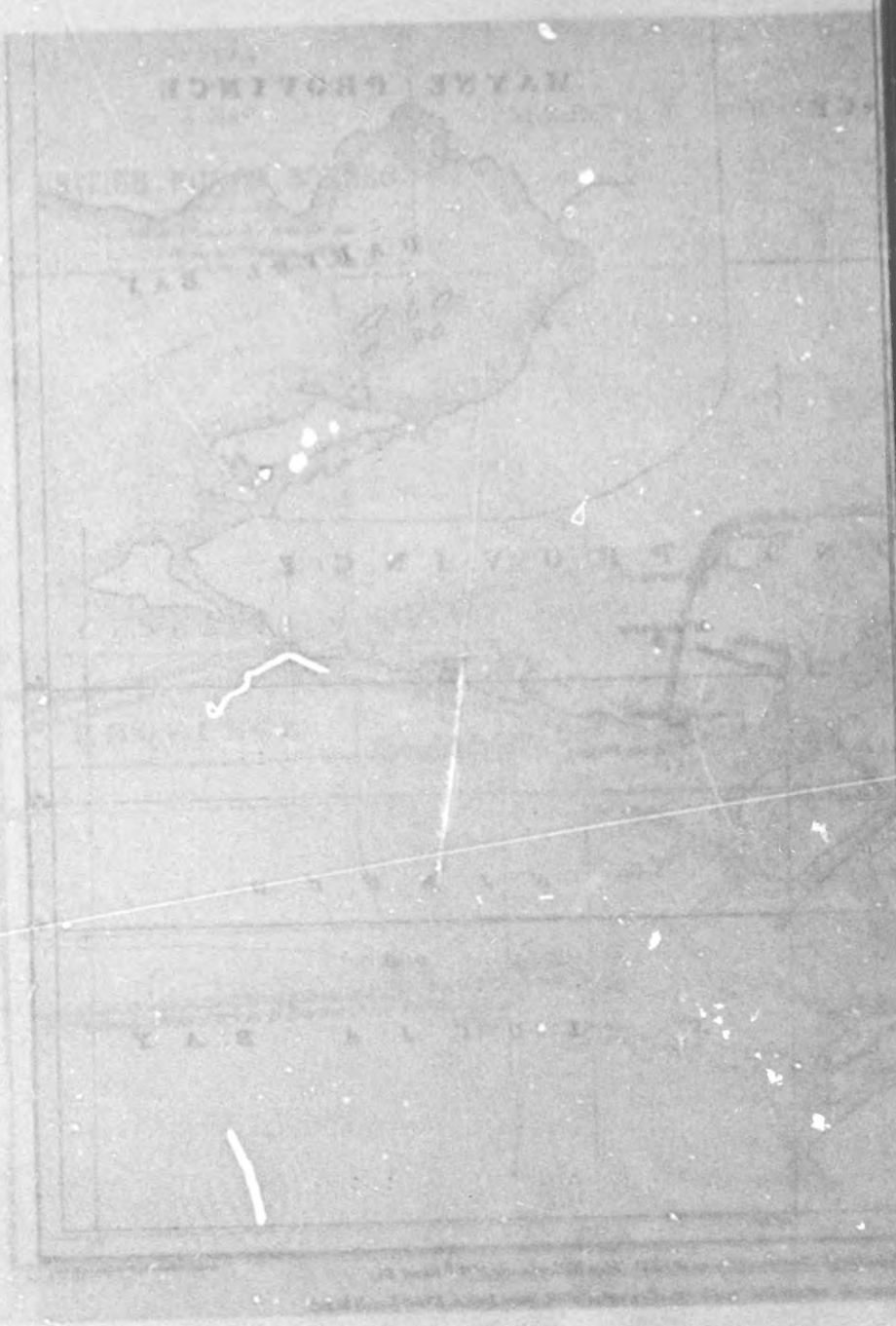
MAP N° 2 (Enlargement)

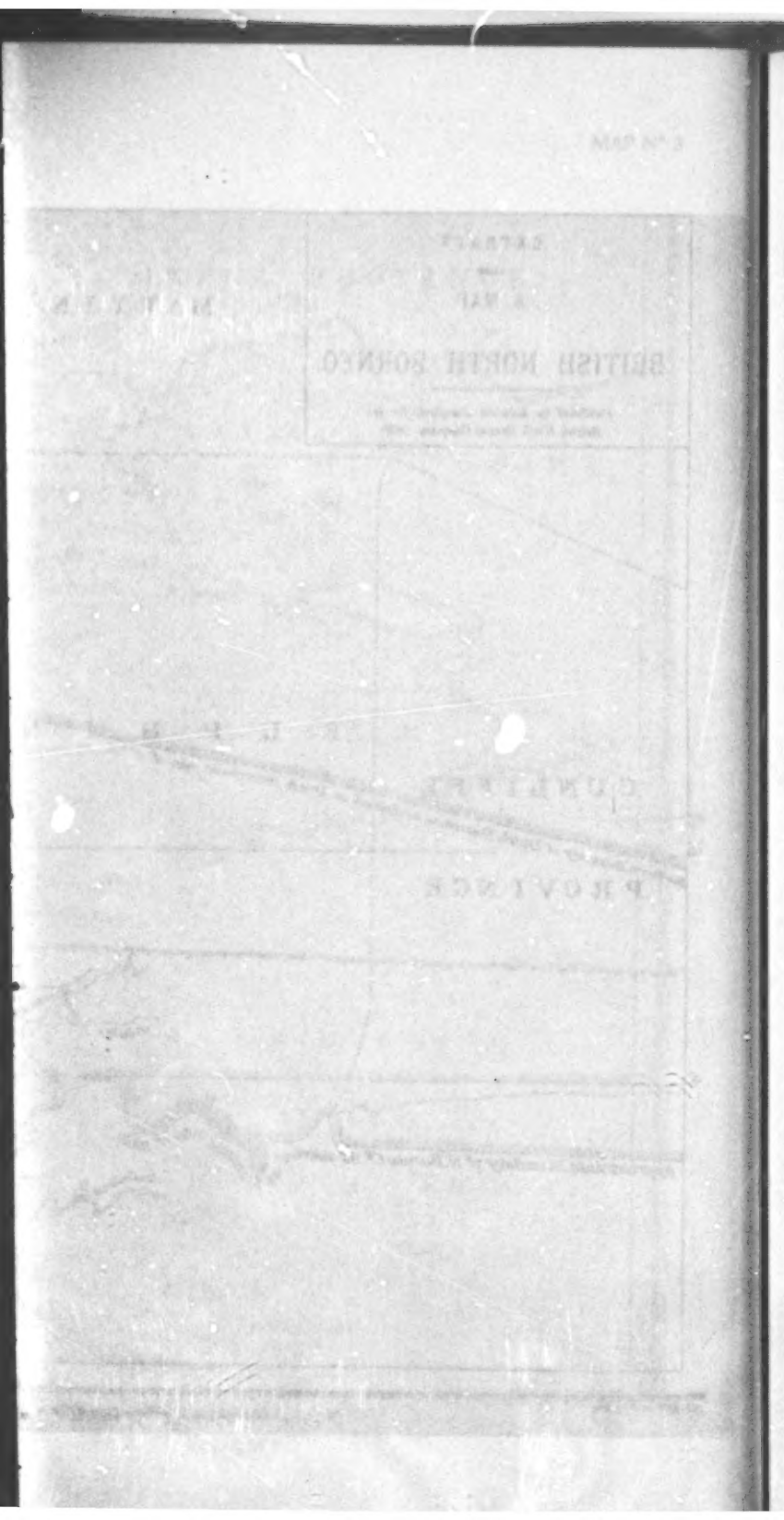


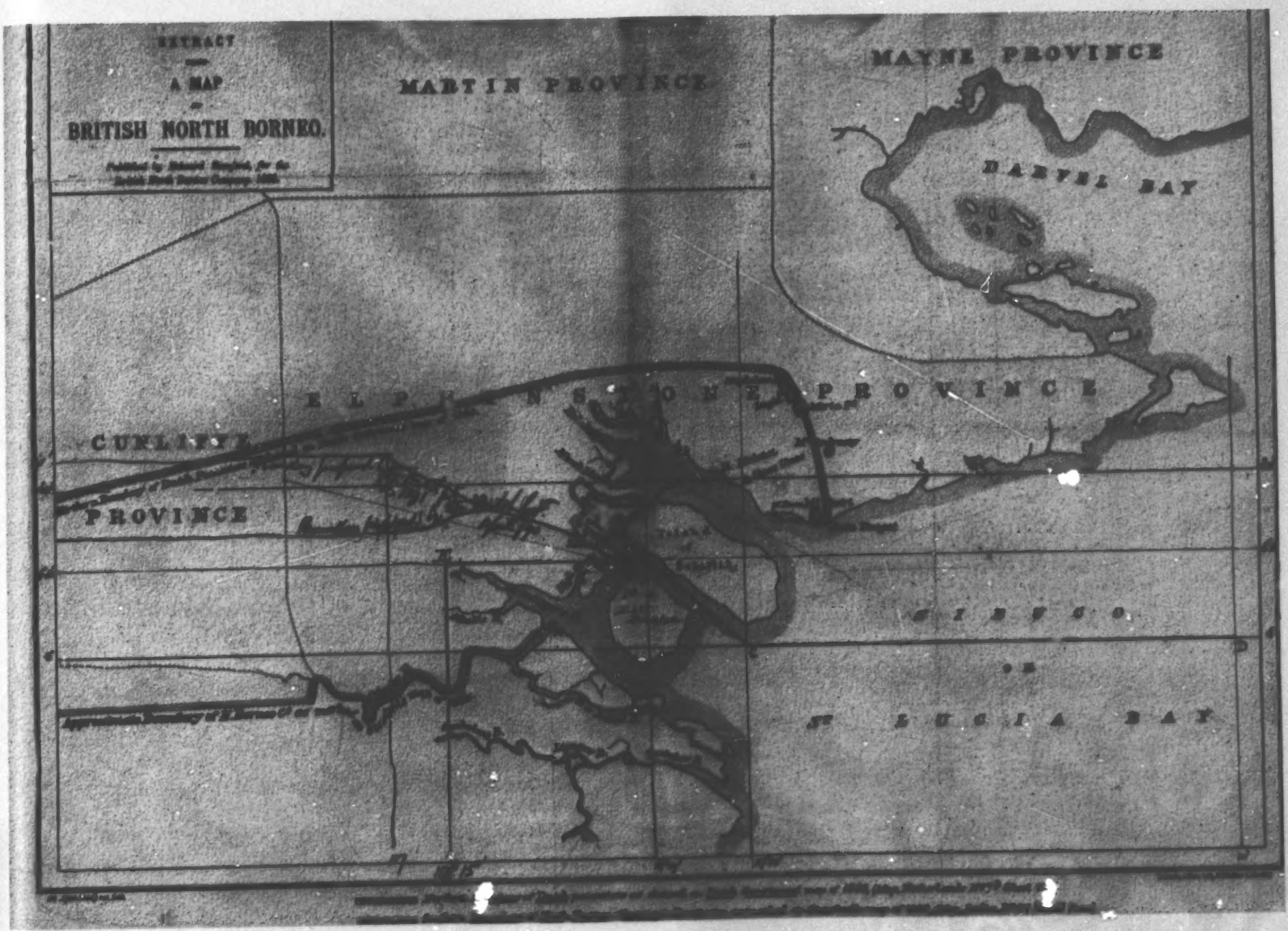



EXTRACT
FROM
A MAP
OF
BRITISH NORTH BORNEO.
MAYNE PROVINCE
MARVEL BAY
CUNLIFFE
PROVINCE

MAP Nº 4






EXTRACT
A MAP
OF
BRITISH NORTH BORNEO.
MARTIN PROVINCE
MAYNE PROVINCE
DARVEL BAY
PROVINCE
ST LUCIA BAY

MAP N° 5

MAP N° 5

ANNEX TO THE EXPLANATORY MEMORANDUM TO BILL FOR RATIFICATION
OF BOUNDARY TREATY OF 1891

Legend:

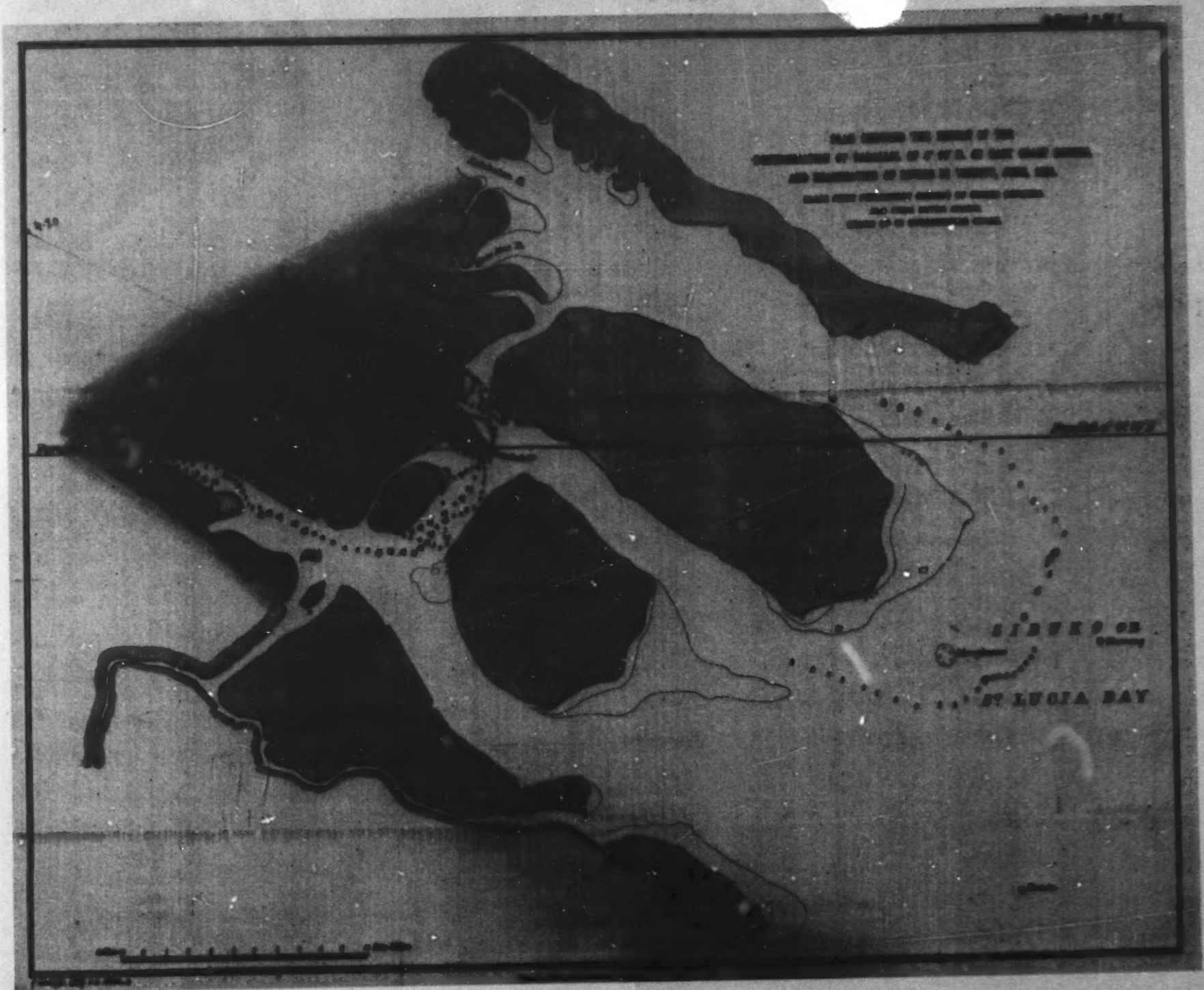
blue line: boundary (originally) claimed by the Dutch Government
yellow line: « « « « « British North Borneo Company
green line: « proposed by British Government
red line: « set out in Convention

MAP N° 5 (Enlargement)

MAP N° 5 (Enlargement)

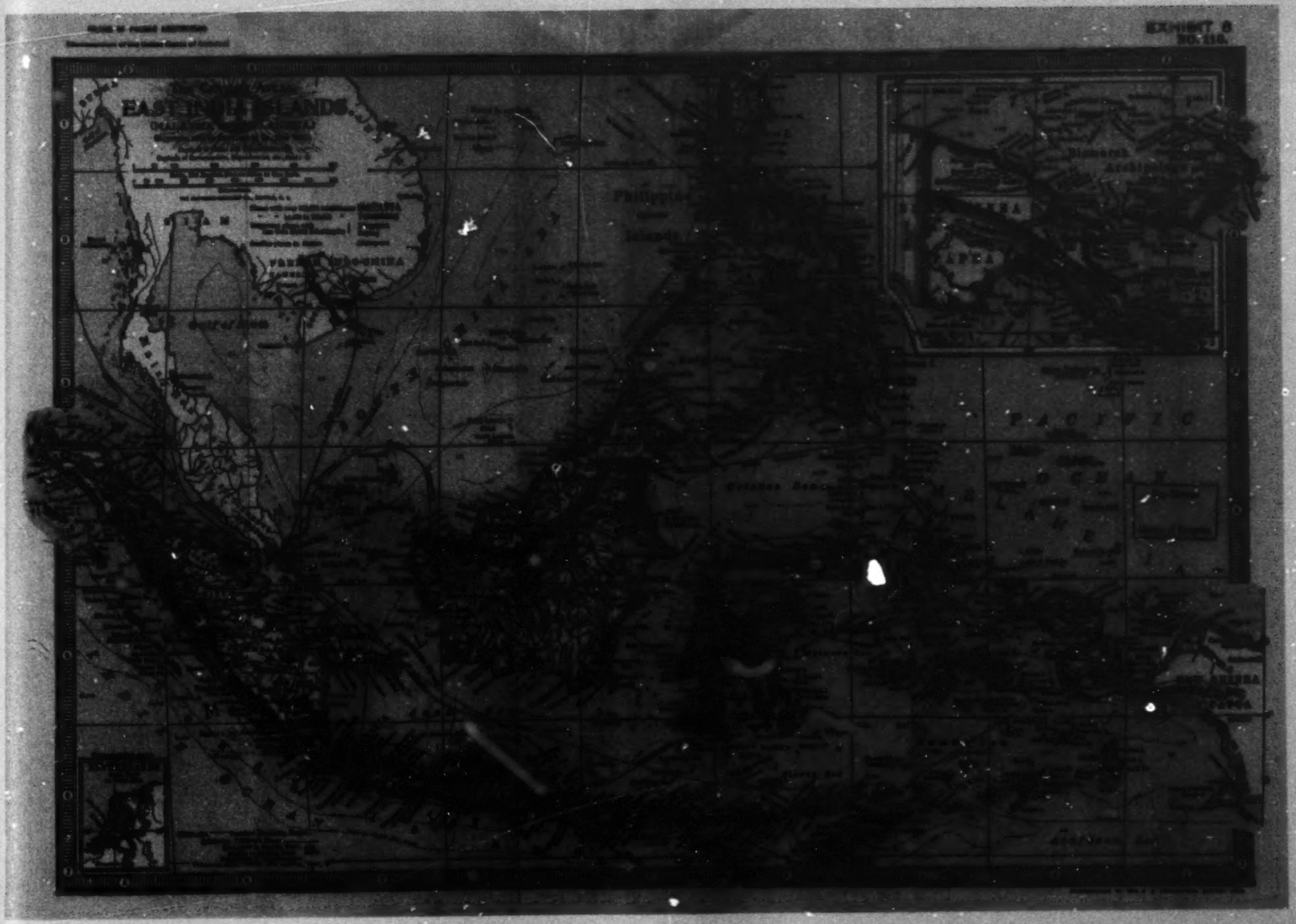
MAP N° 6

MAP N° 6

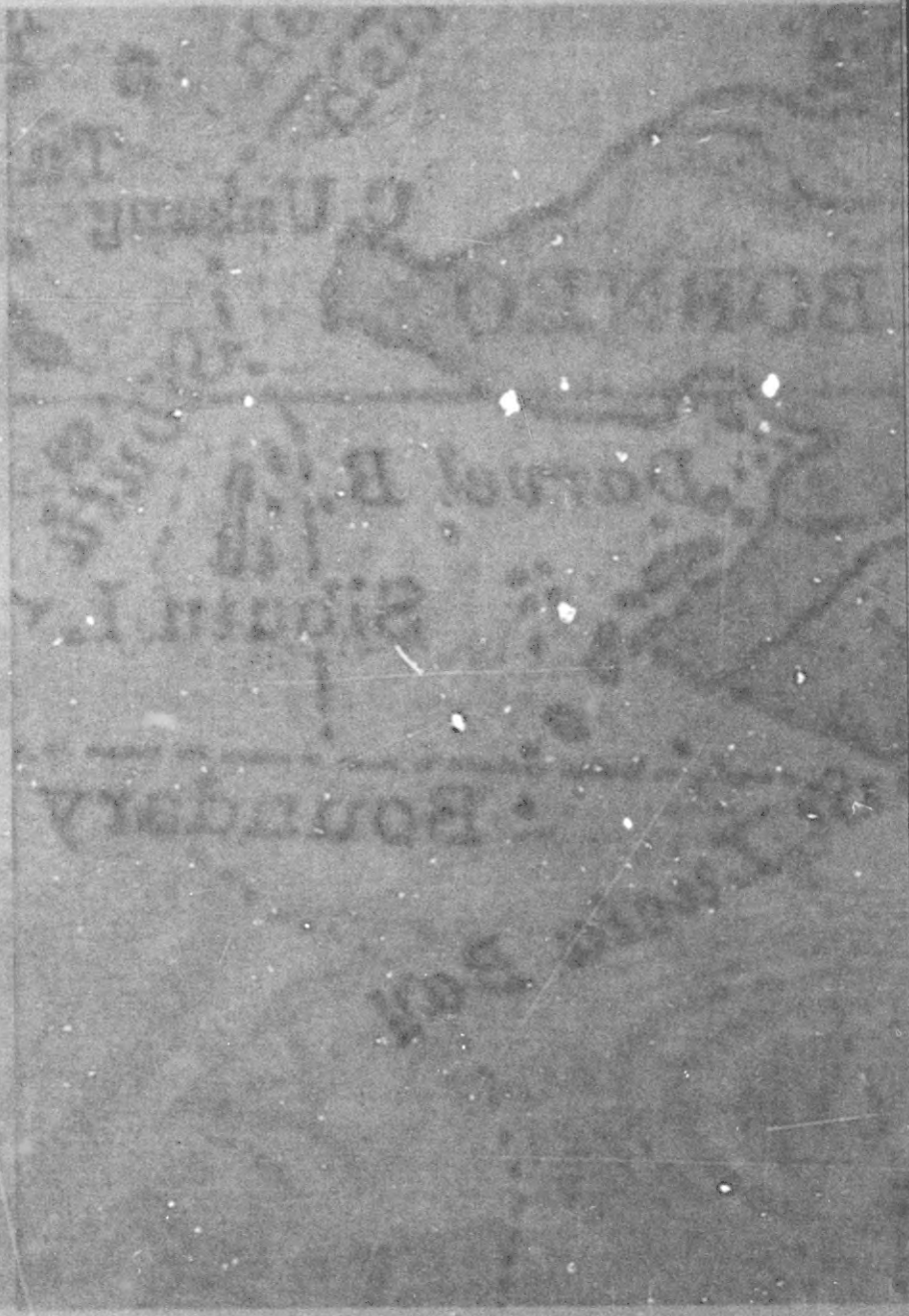


MAP N° 7

MAP N° 7

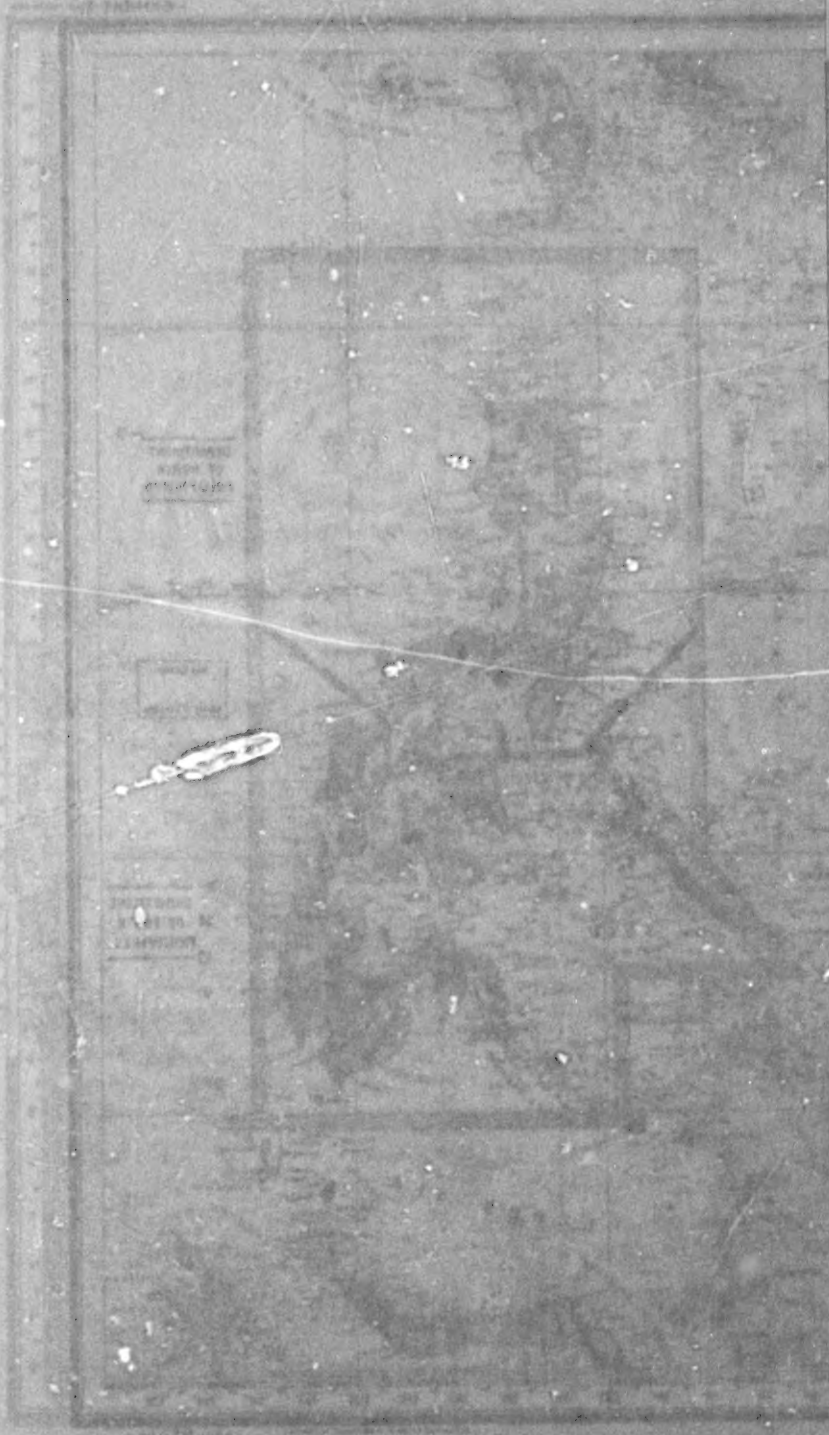


MAP N° 7 (Enlargement)



MAP N° 7 (Enlargement)

MAP N° 8



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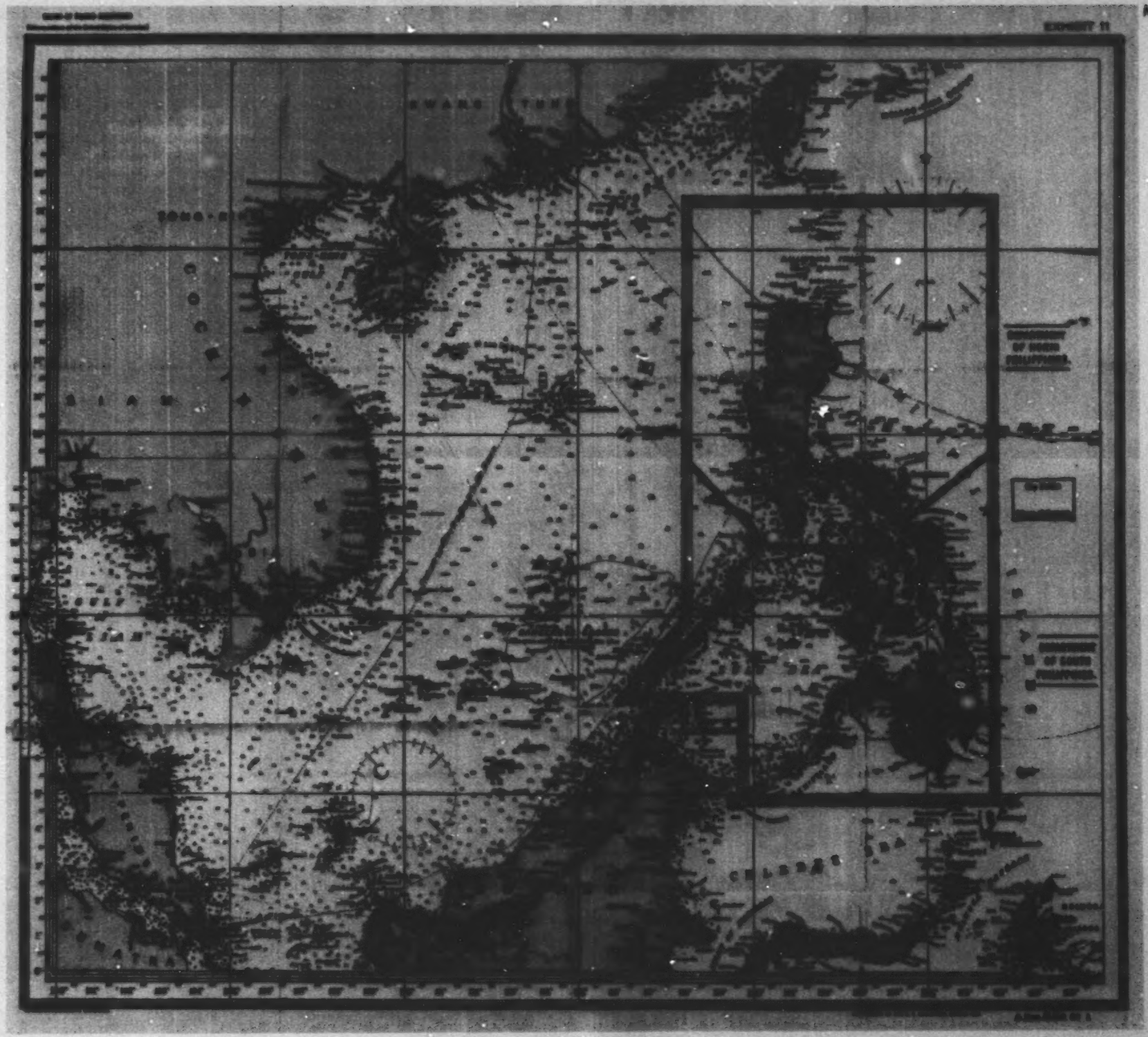

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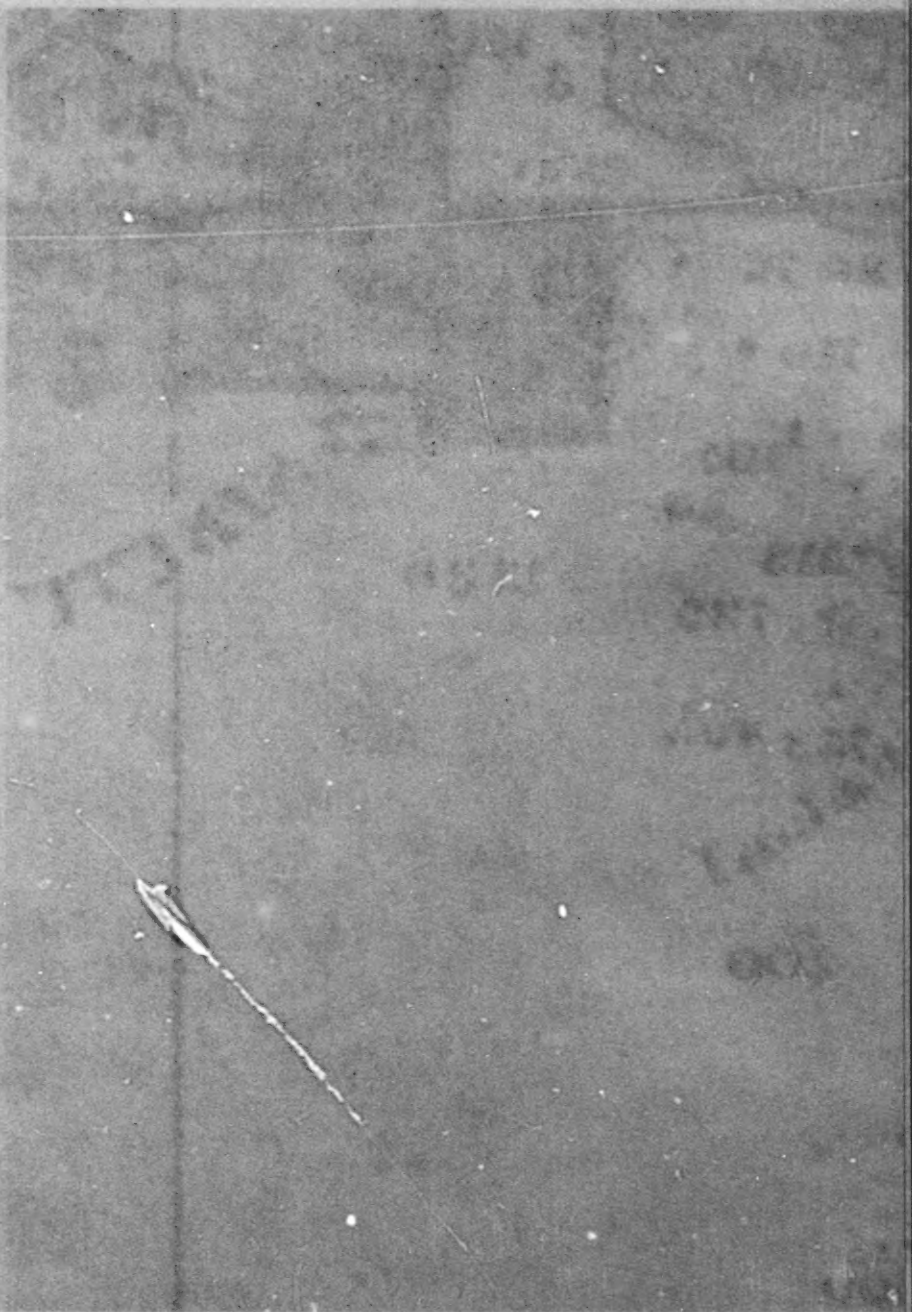

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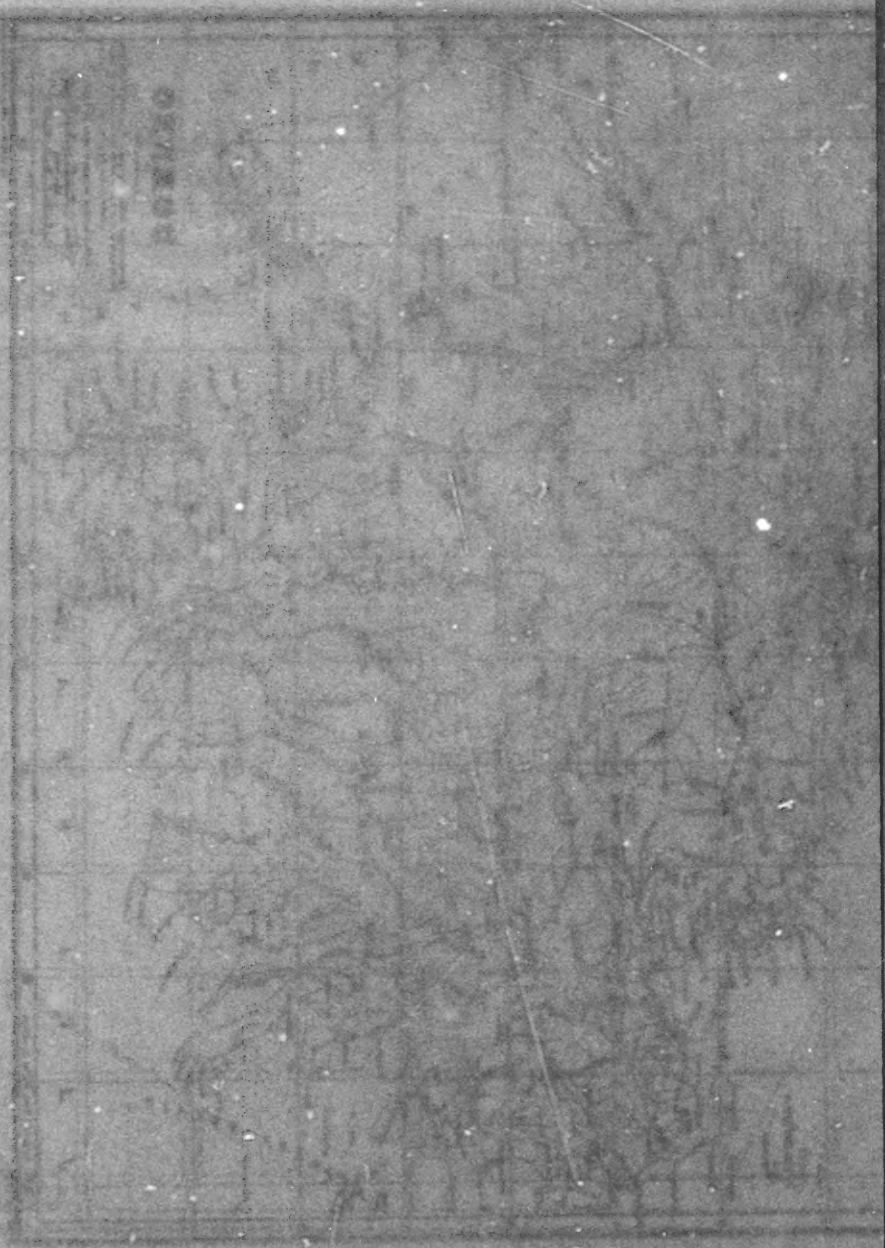

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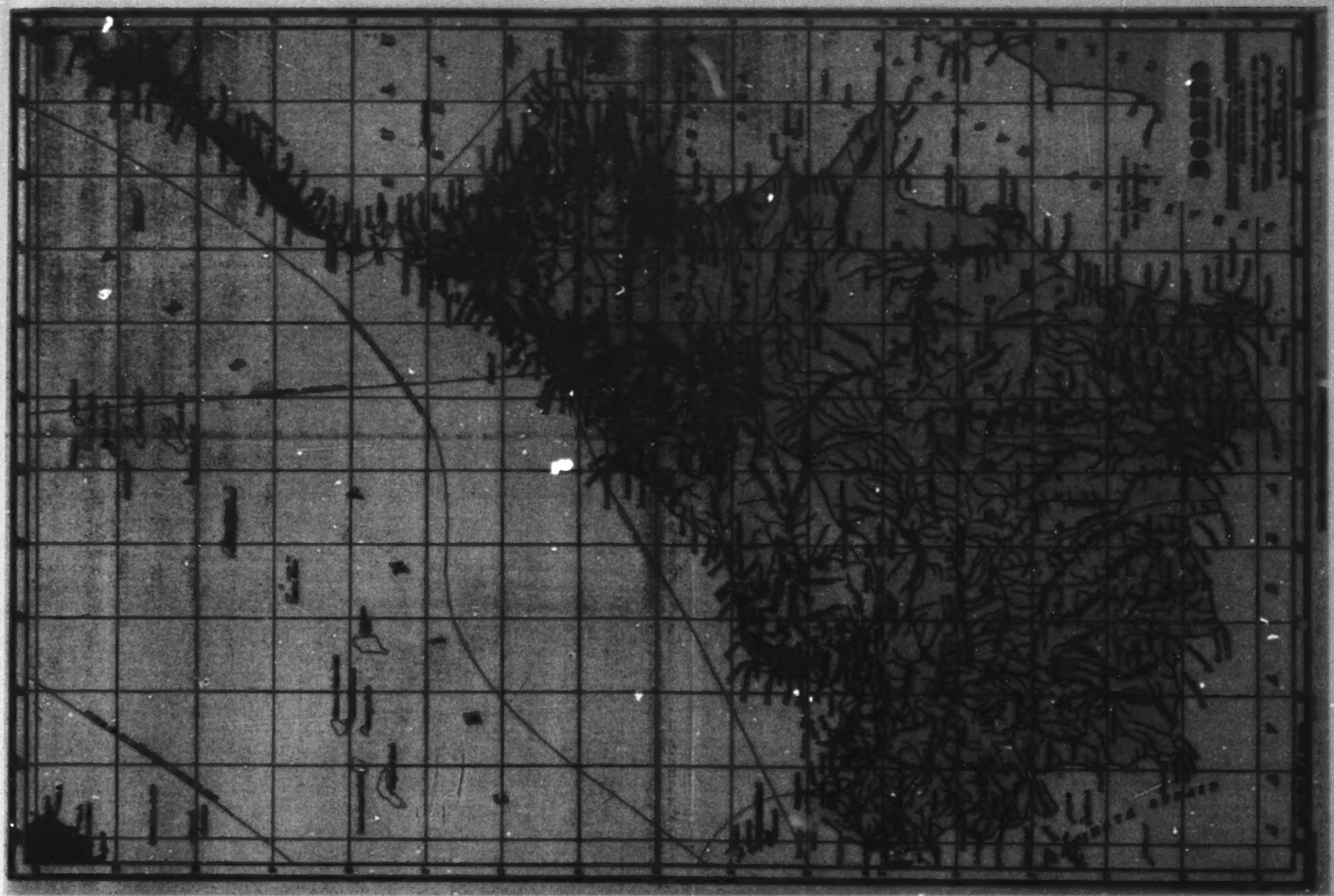

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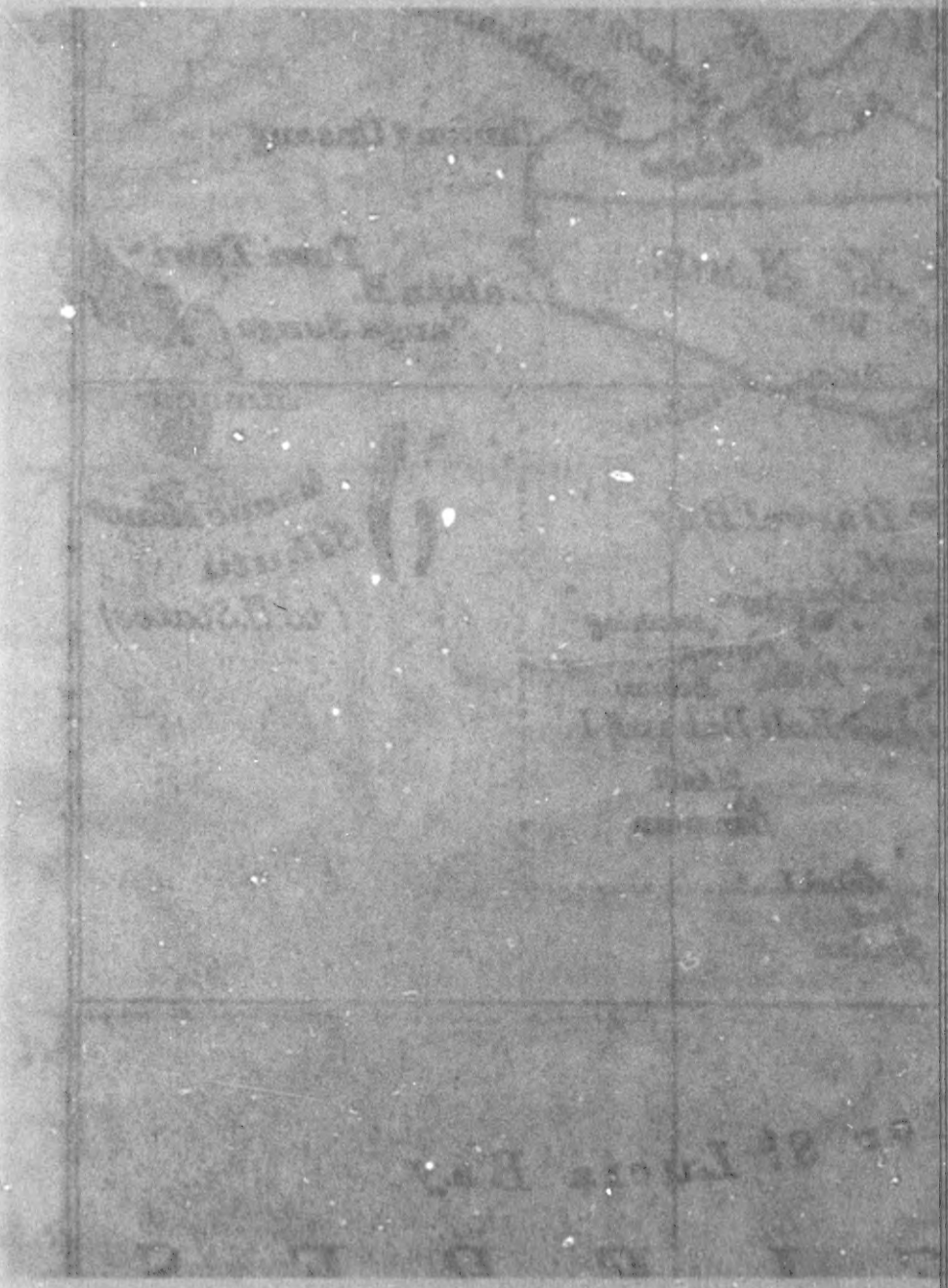

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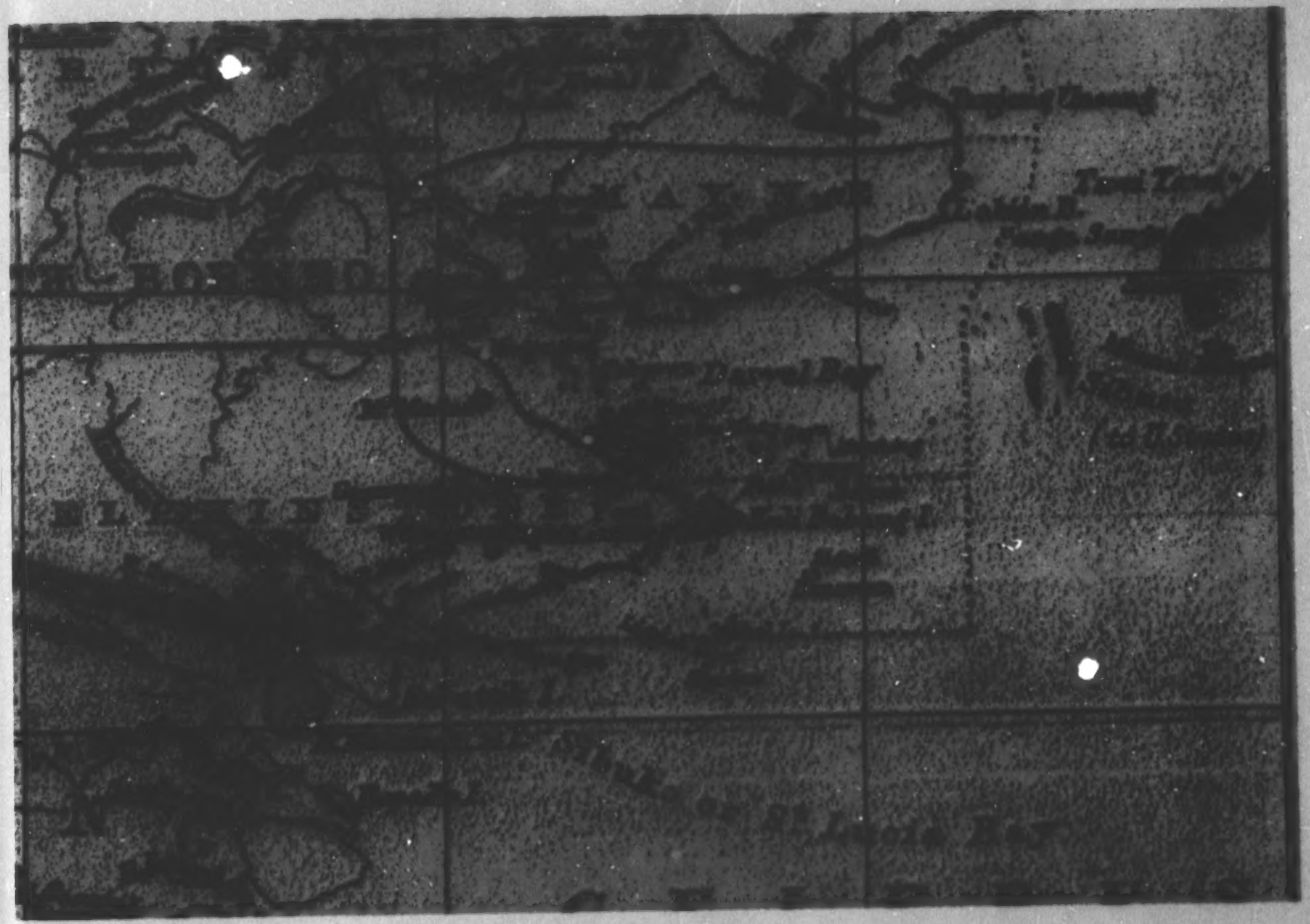
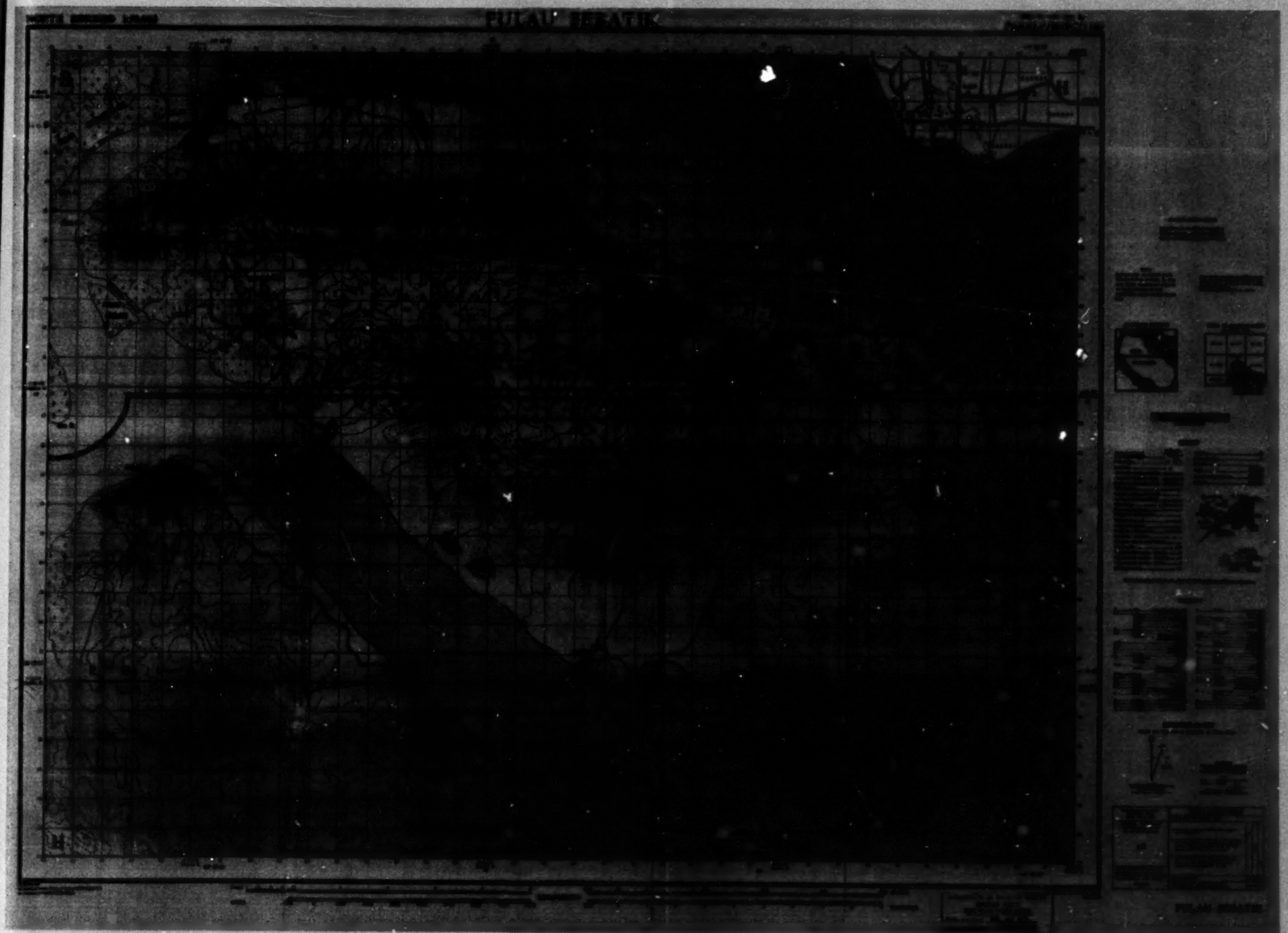


MAP N° 10

MAP N° 10

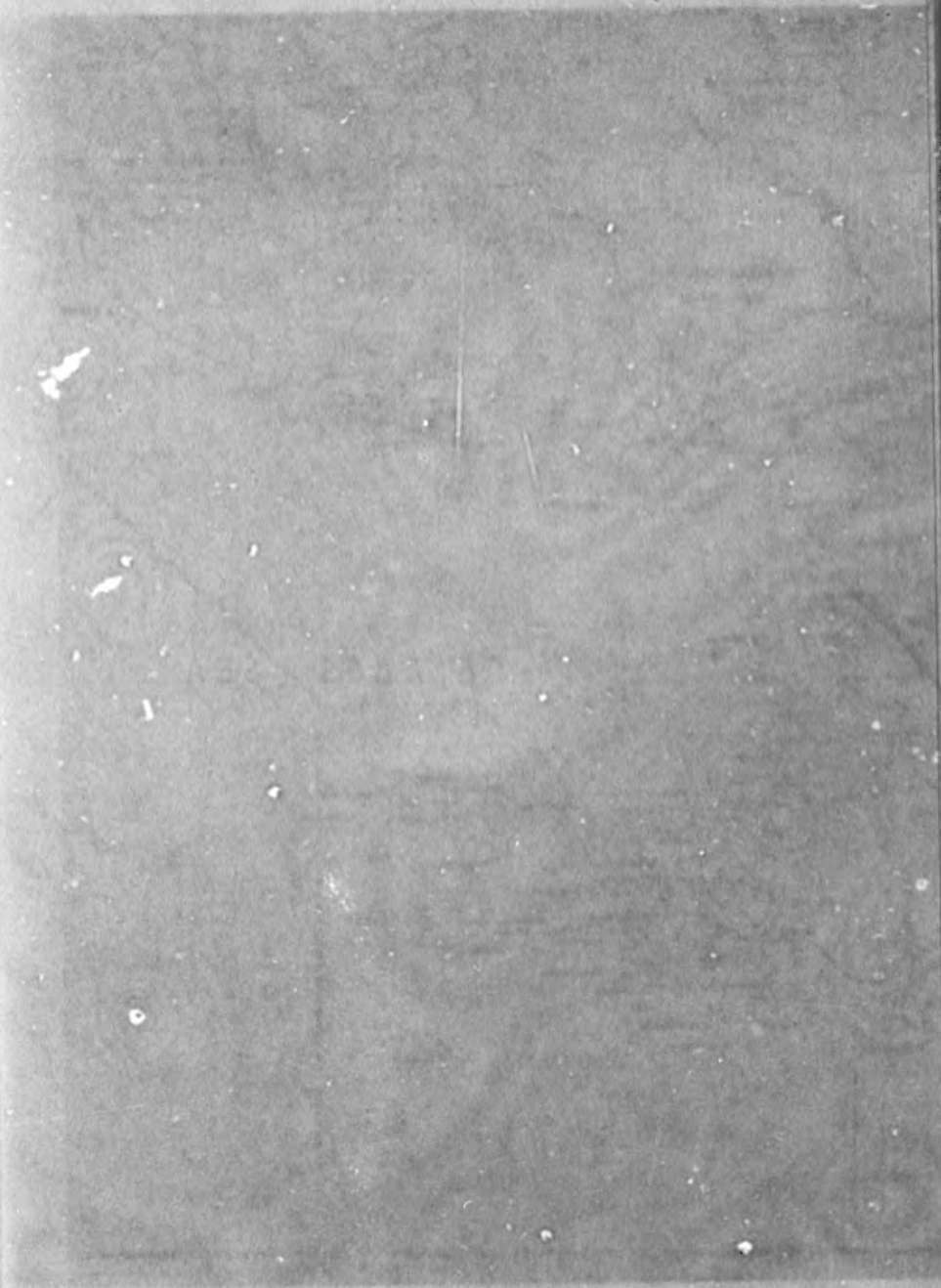
MAP N° 11


PULAU JEBATIK

MAP N° 12

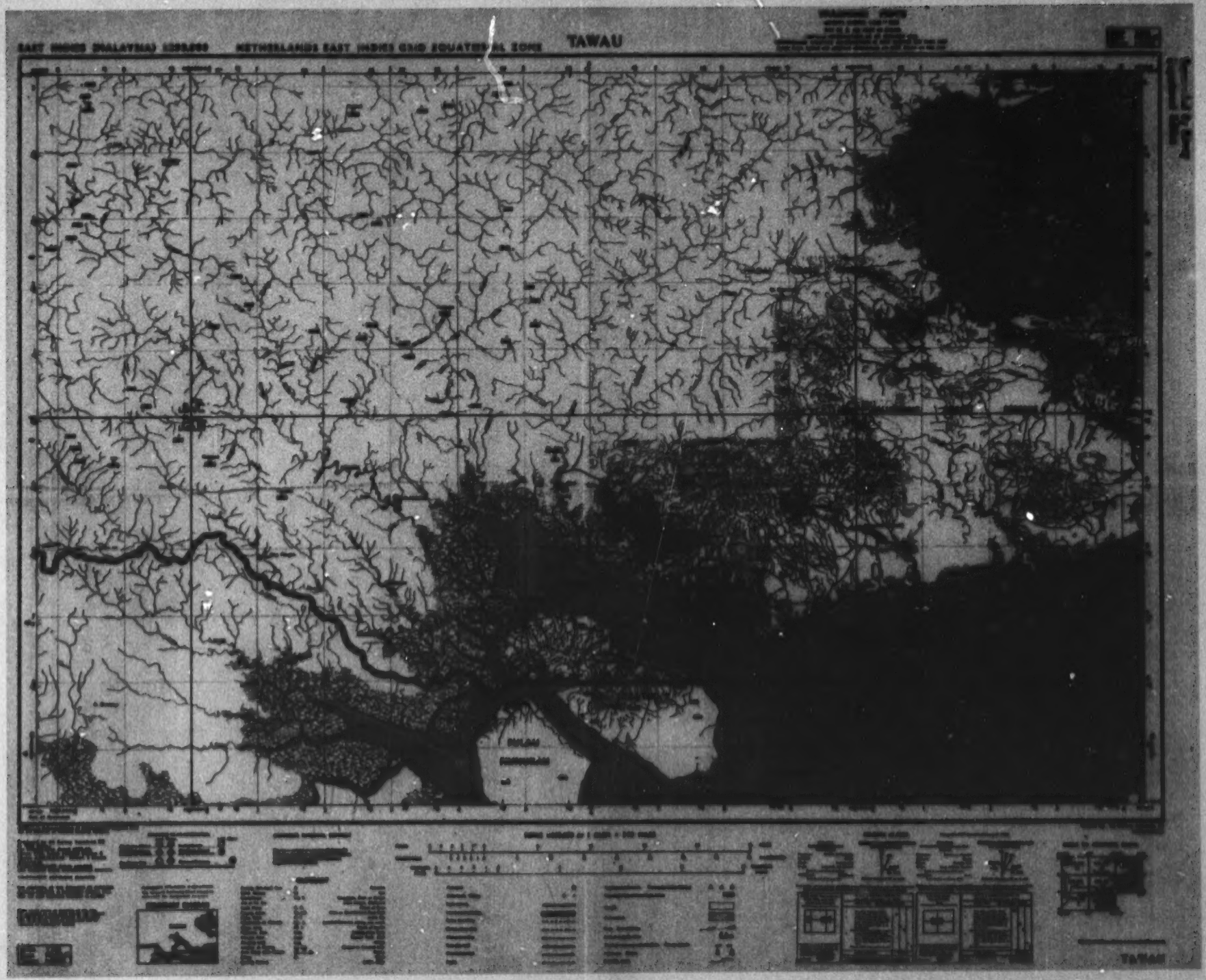
MALAYSIA TIMUR
SABAH
SOUTH
CHINA
SEA

MAP N° 12 (Enlargement)

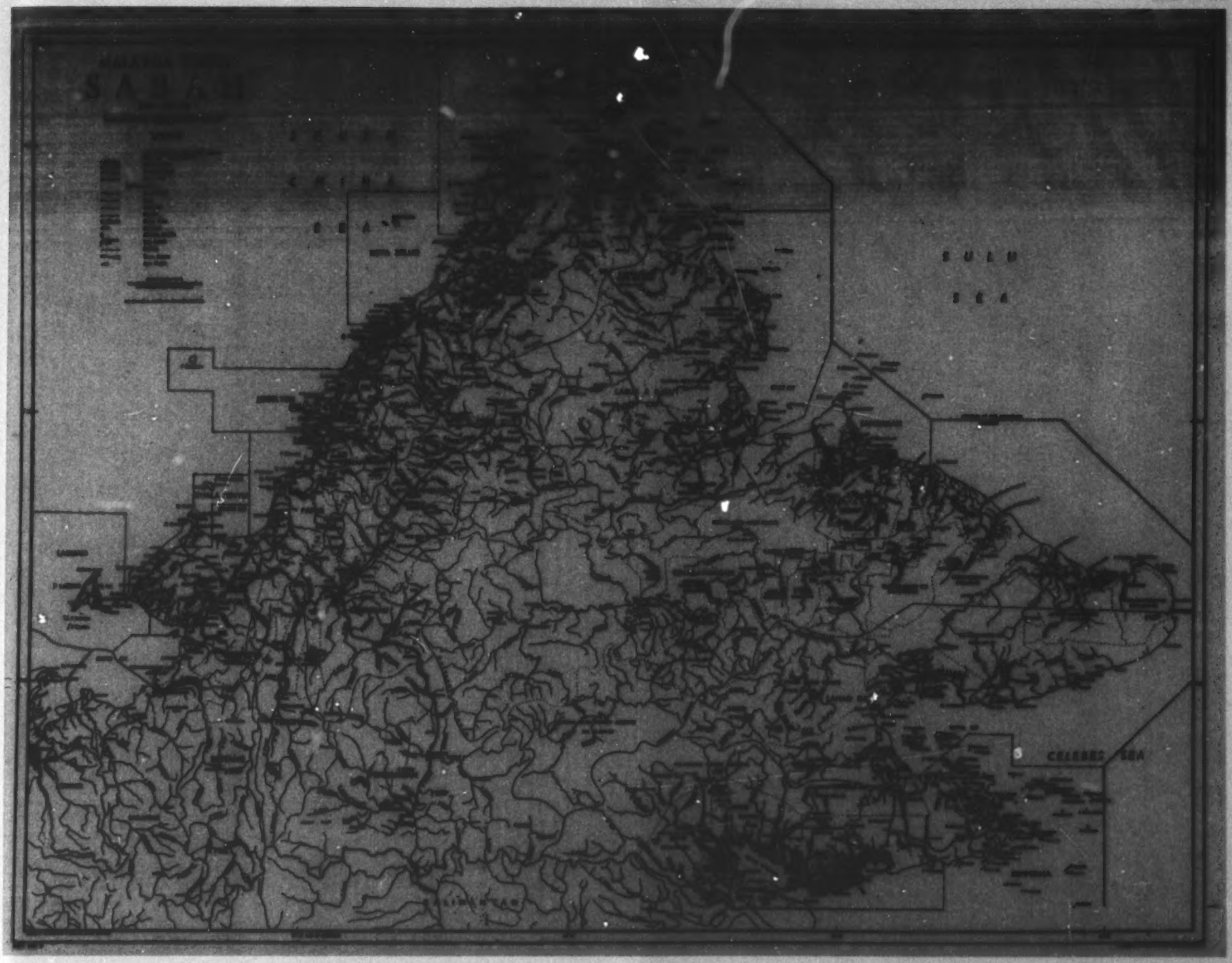


MAP N° 12 (Enlargement)

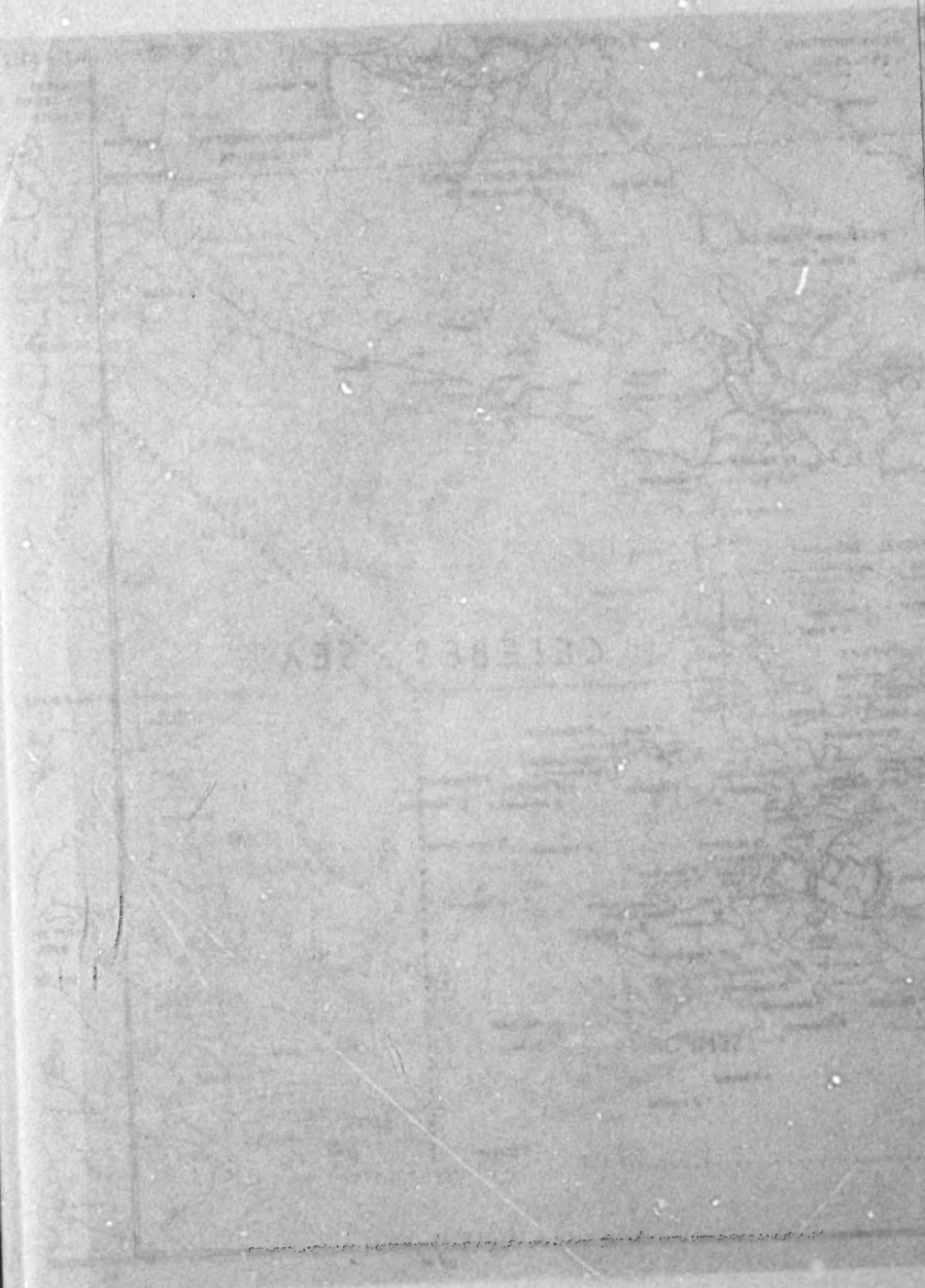
MAP N° 13


TAWAU

MAP N° 14


SULU
SEA
CELEBES SEA

MAP N° 14 (Enlargement)



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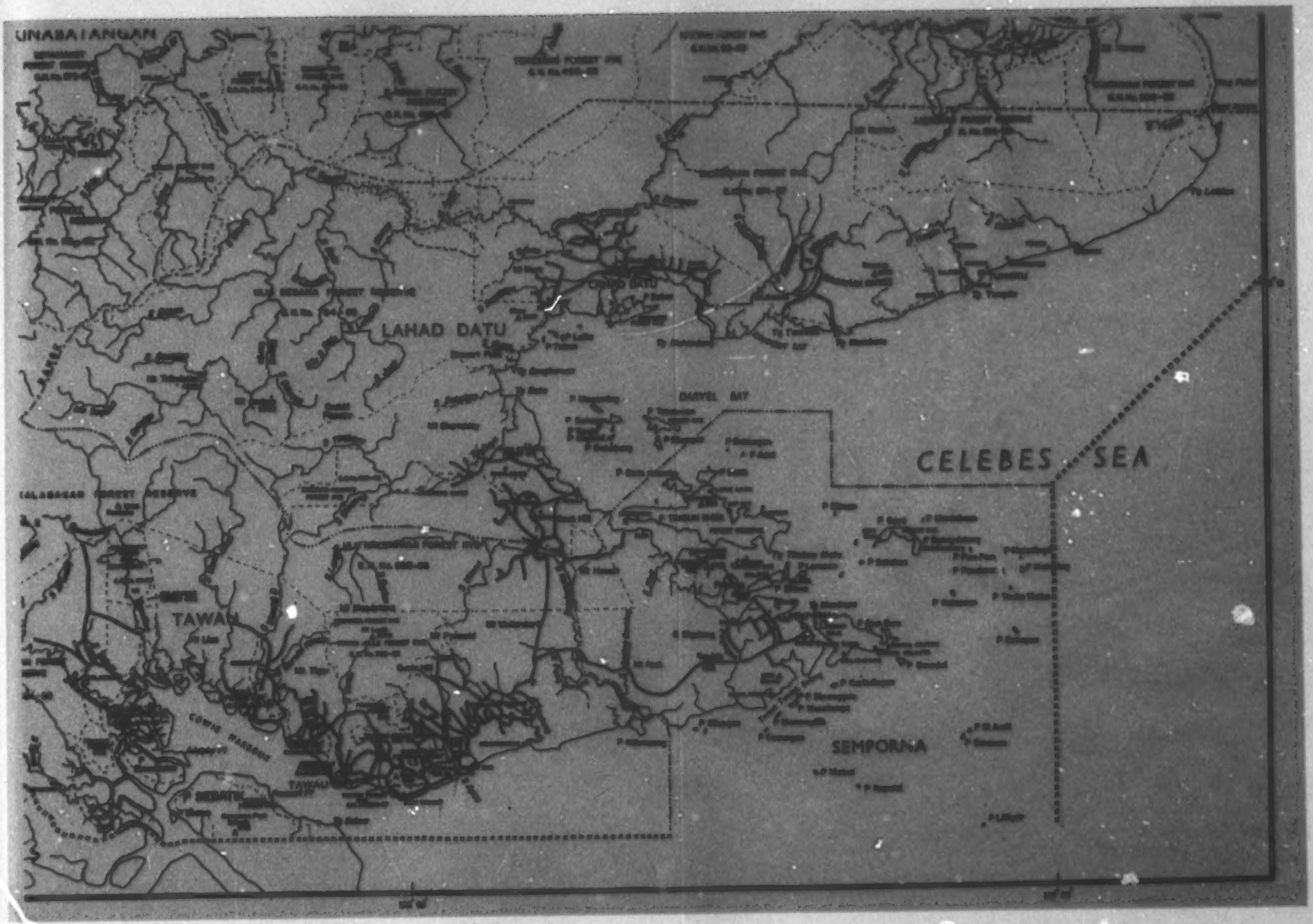

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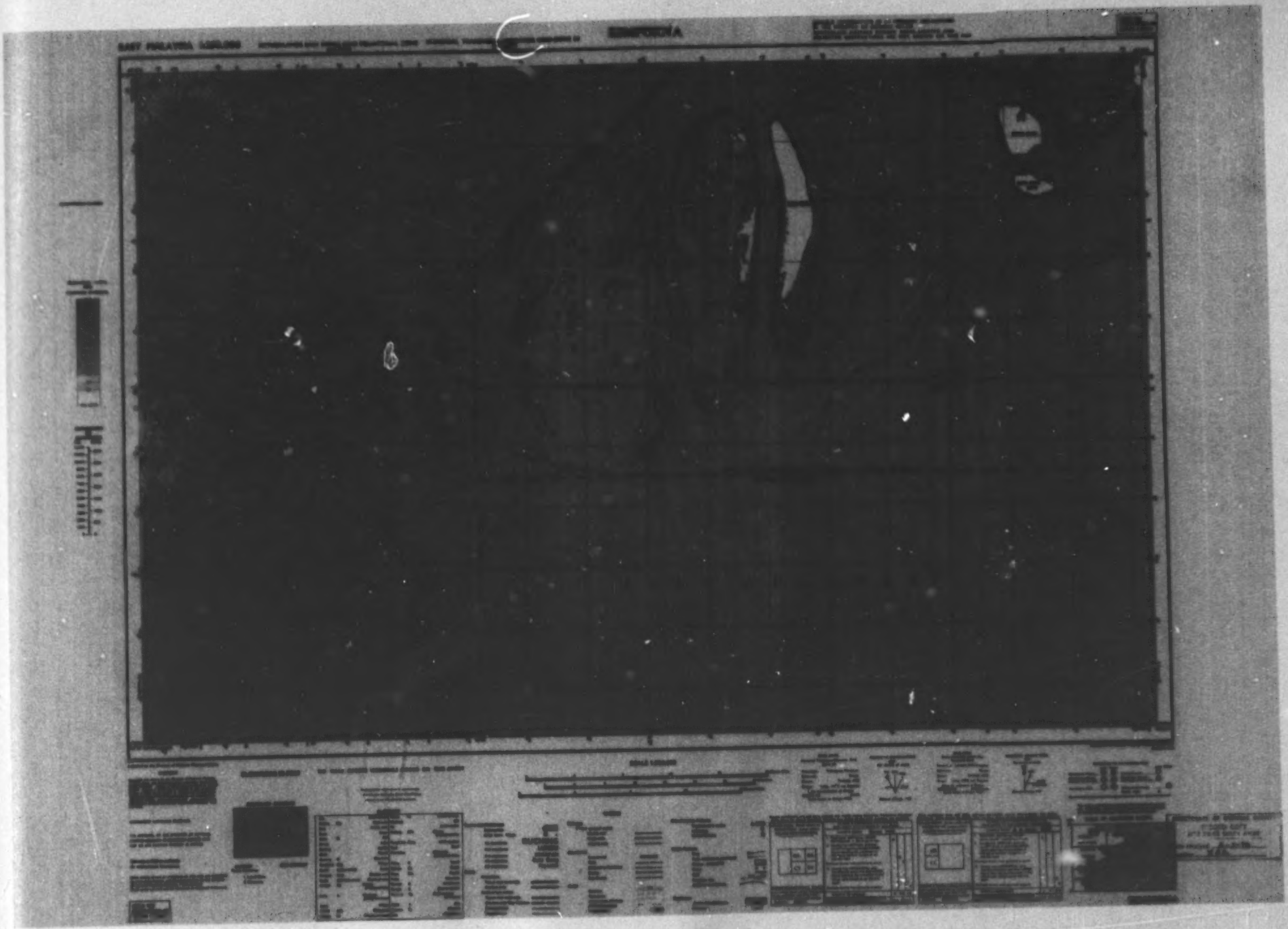

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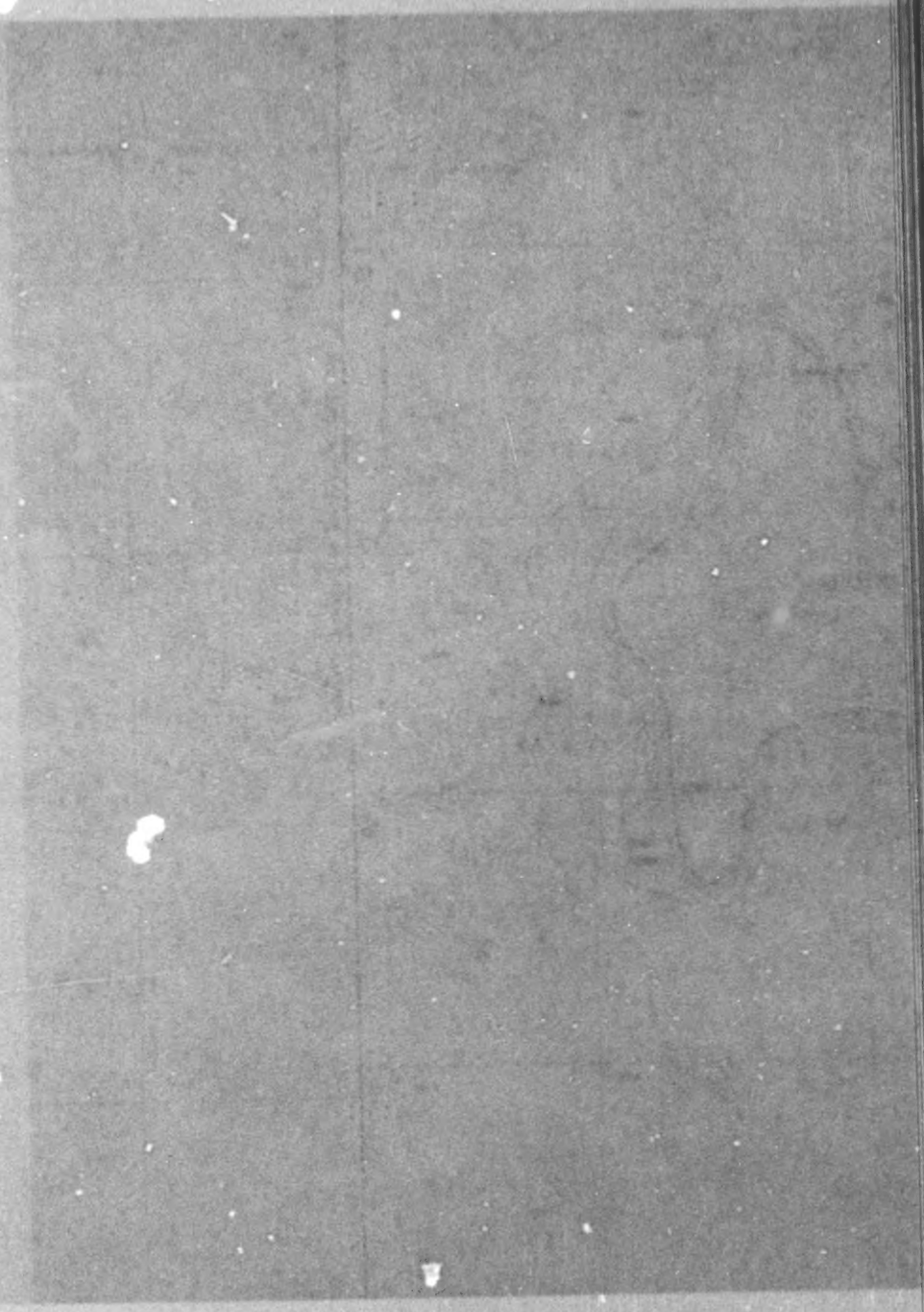
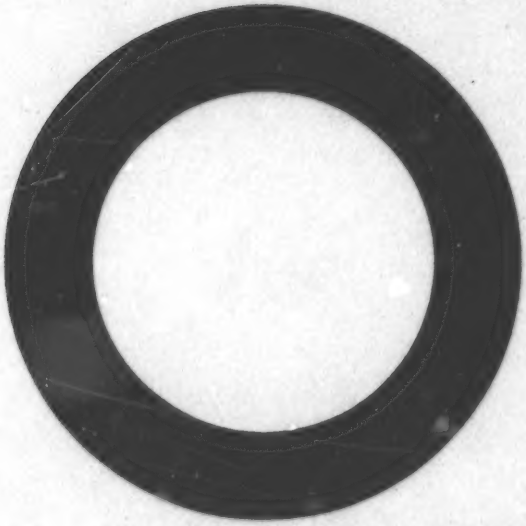
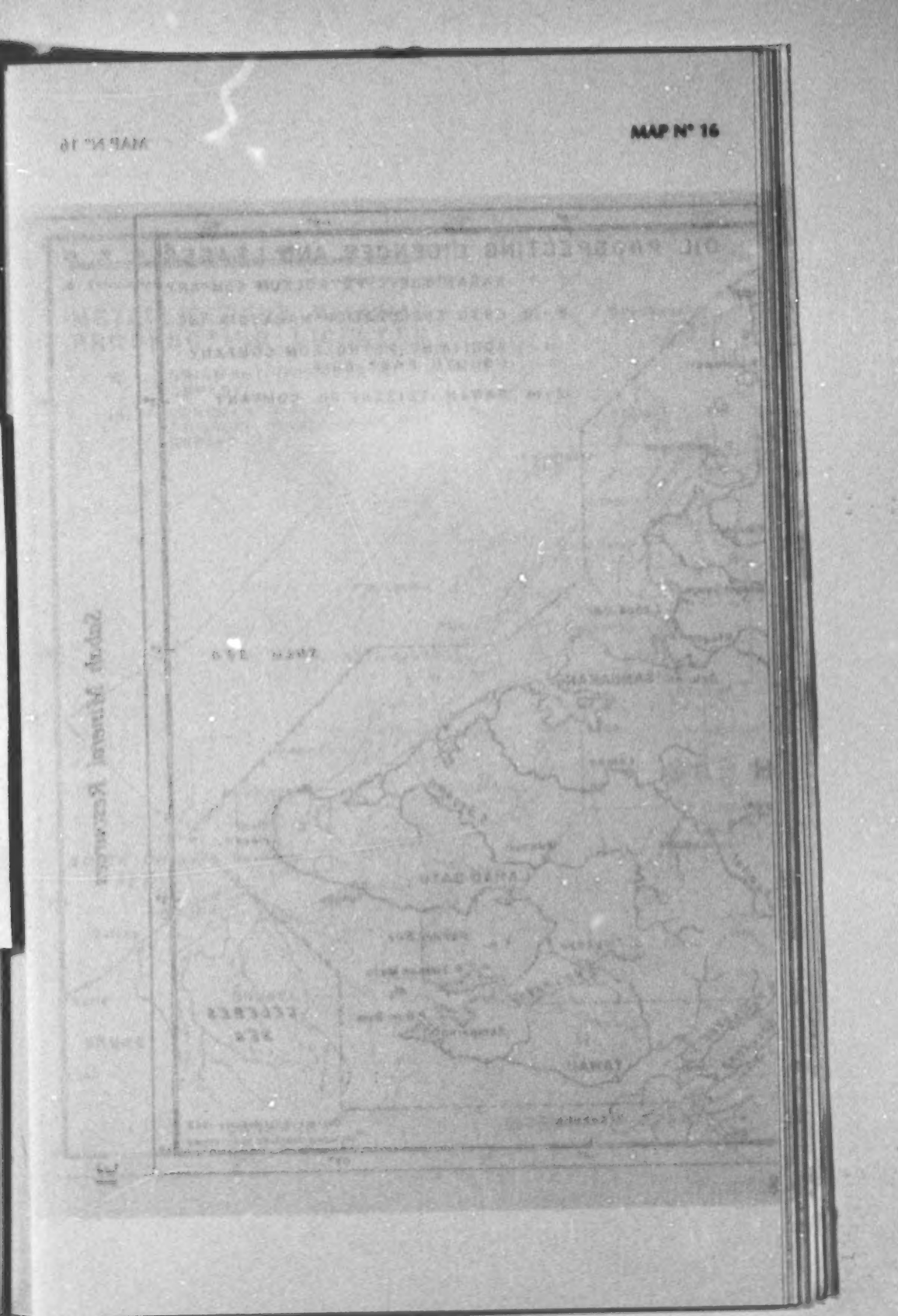


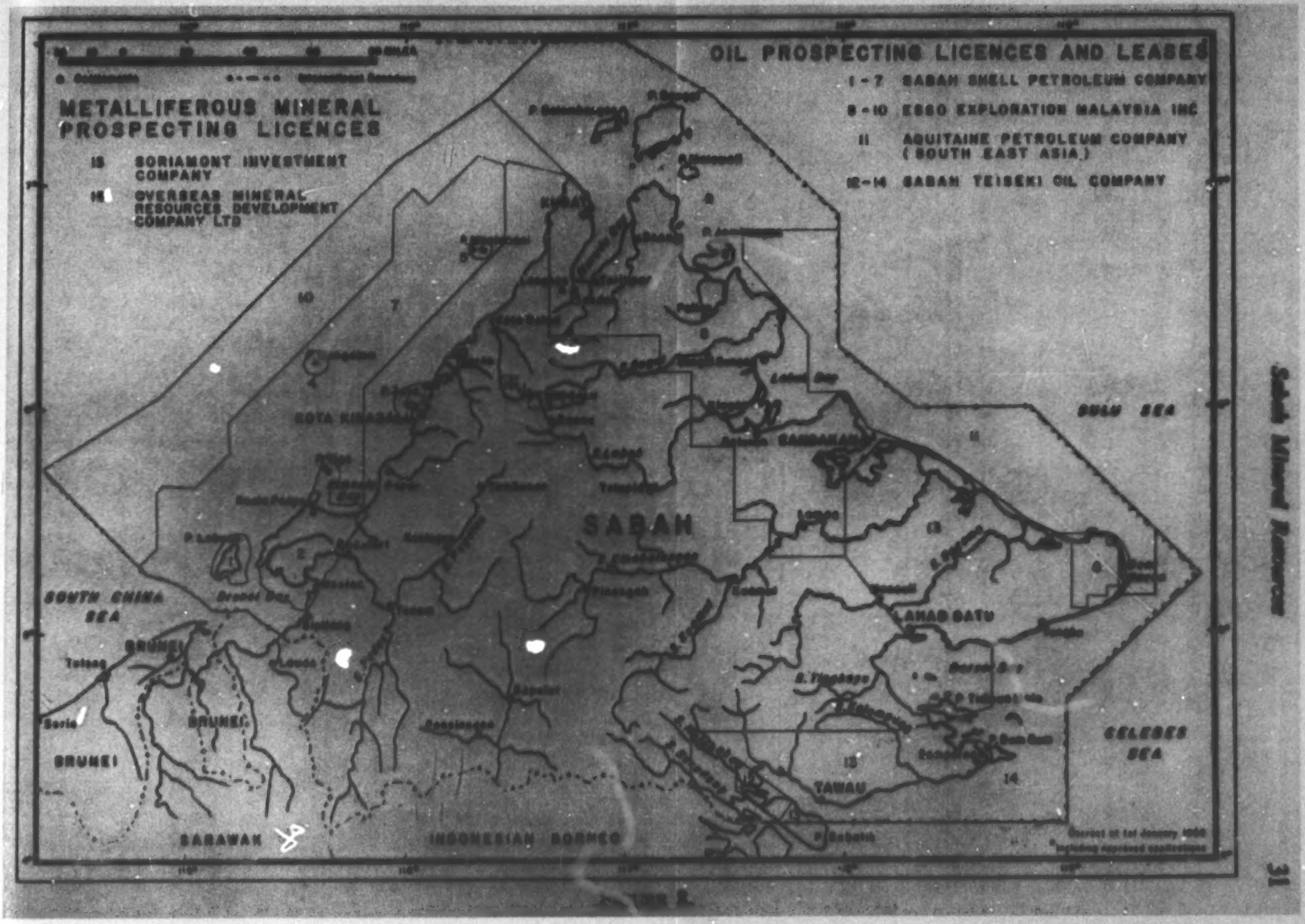
MAP N° 15 (Enlargement)

MAP N° 15 (Enlargement)

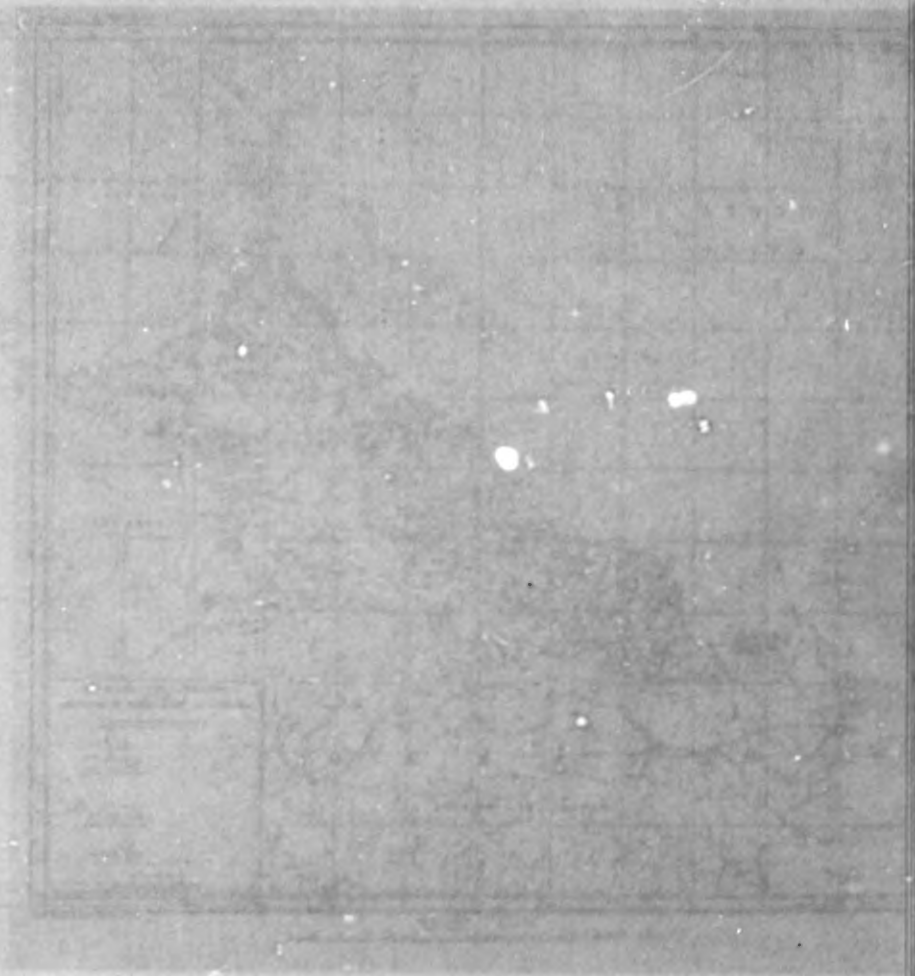


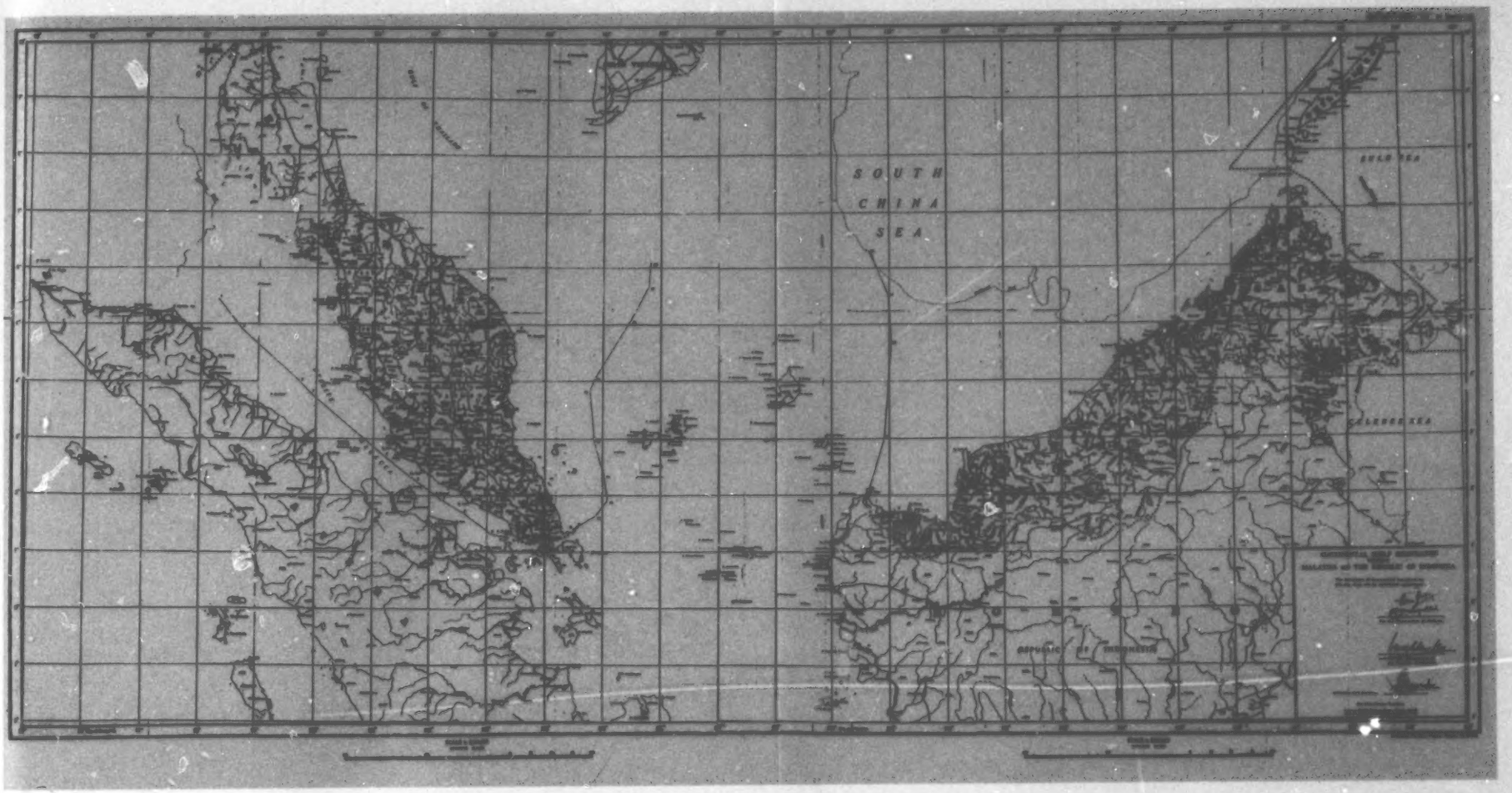
MAP N° 16



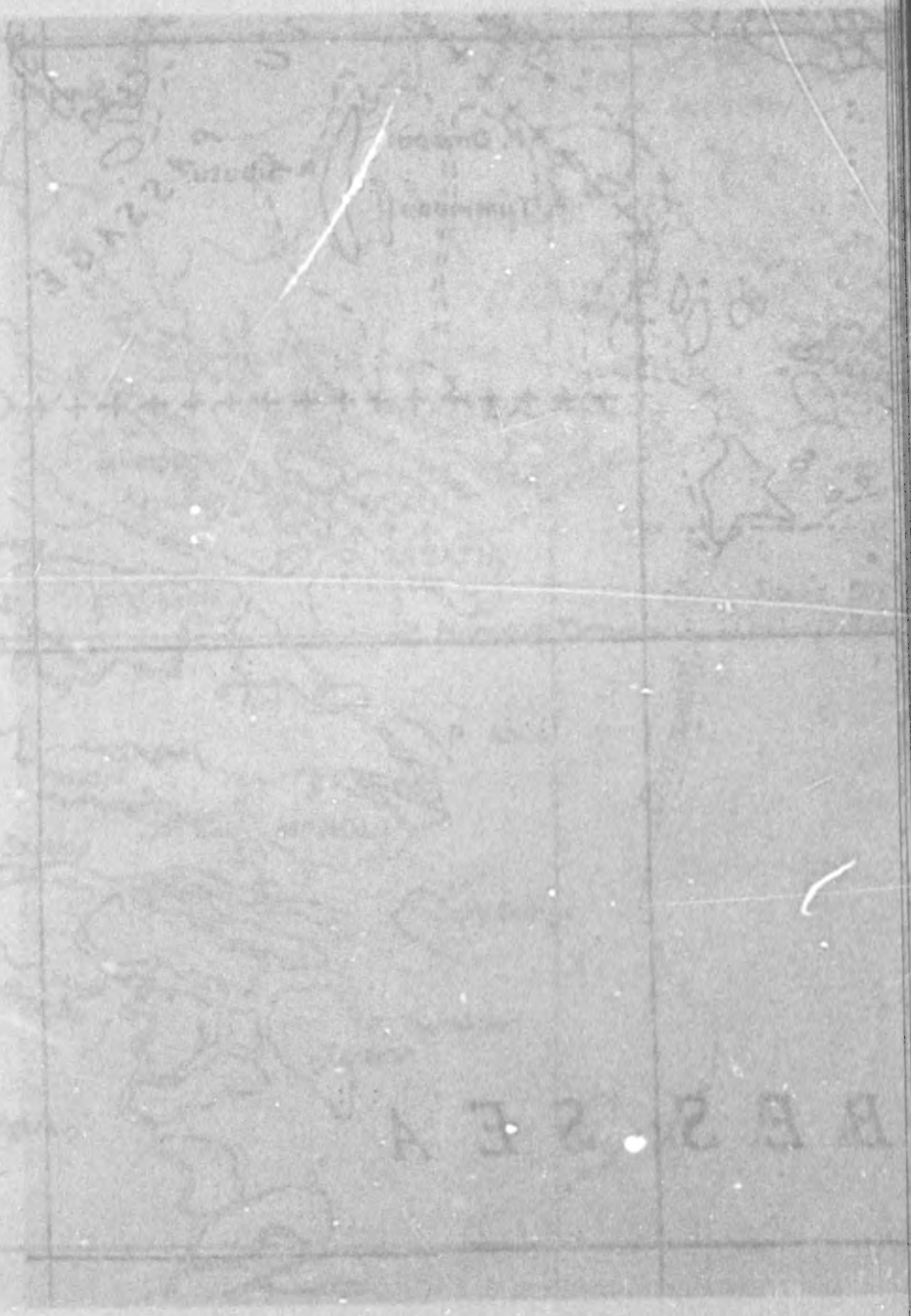

METALLIFEROUS MINERAL PROSPECTING LICENCES
13 SORIAMONT INVESTMENT COMPANY
14 OVERSEAS MINERAL RESOURCES DEVELOPMENT COMPANY LTD
OIL PROSPECTING LICENCES AND LEASES
1 - 7 SABAH SHELL PETROLEUM COMPANY
8 - 10 ESSO EXPLORATION MALAYSIA INC
11 AQUITAINE PETROLEUM COMPANY (SOUTH EAST ASIA)
12 - 14 SABAH TEISEKI OIL COMPANY
SABAH
SULU SEA
SOUTH CHINA SEA
CELEBES SEA
BRUNEI
SARAWAK
INDONESIAN BORNEO
KOTA KINABALU
SANDAKAN
LAHAD DATU
TAWAU
Surveyed at 1st January 1968
* Including approved applications
Sabah Mineral Resources

MAP N° 17

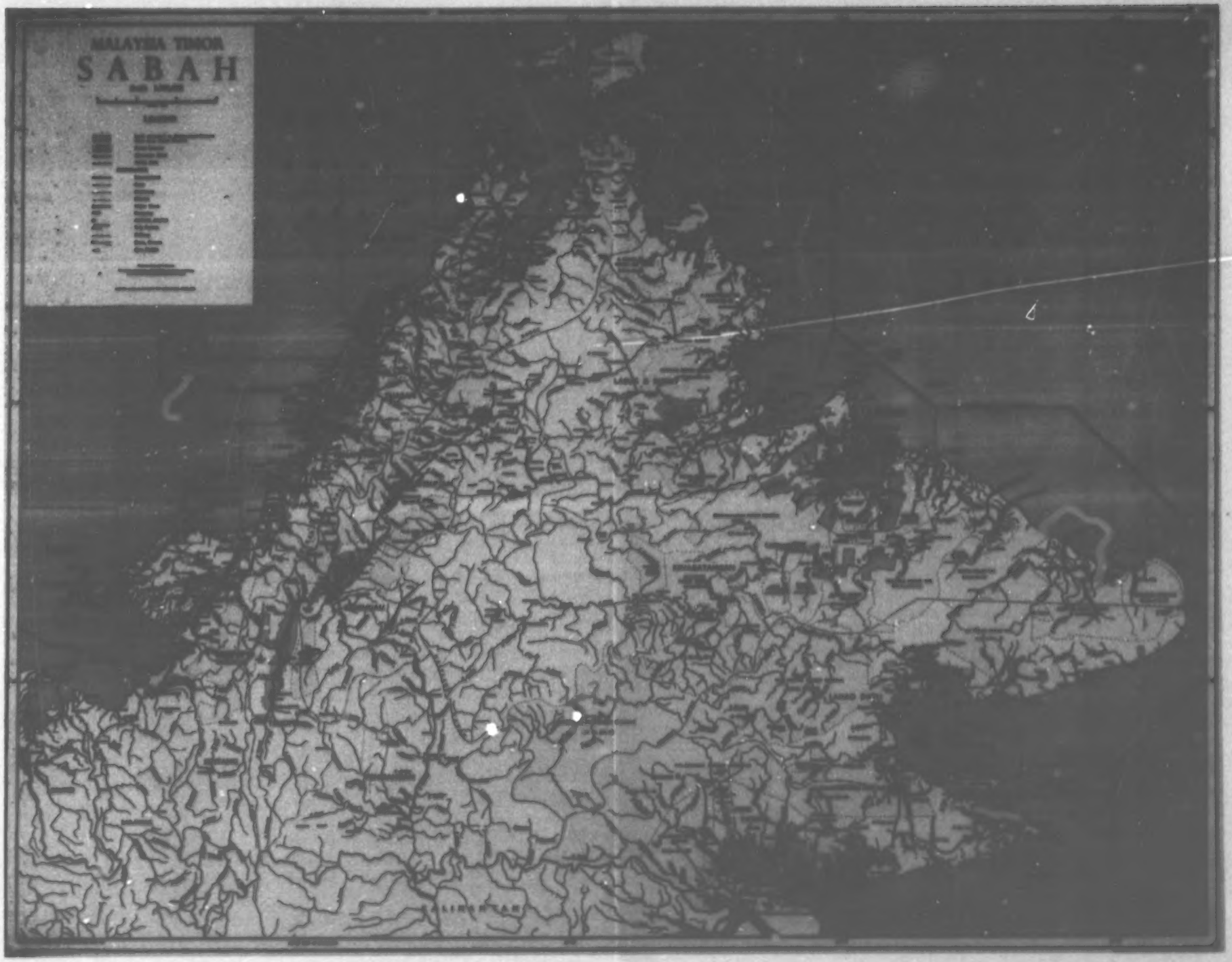



SOUTH
CHINA
SEA

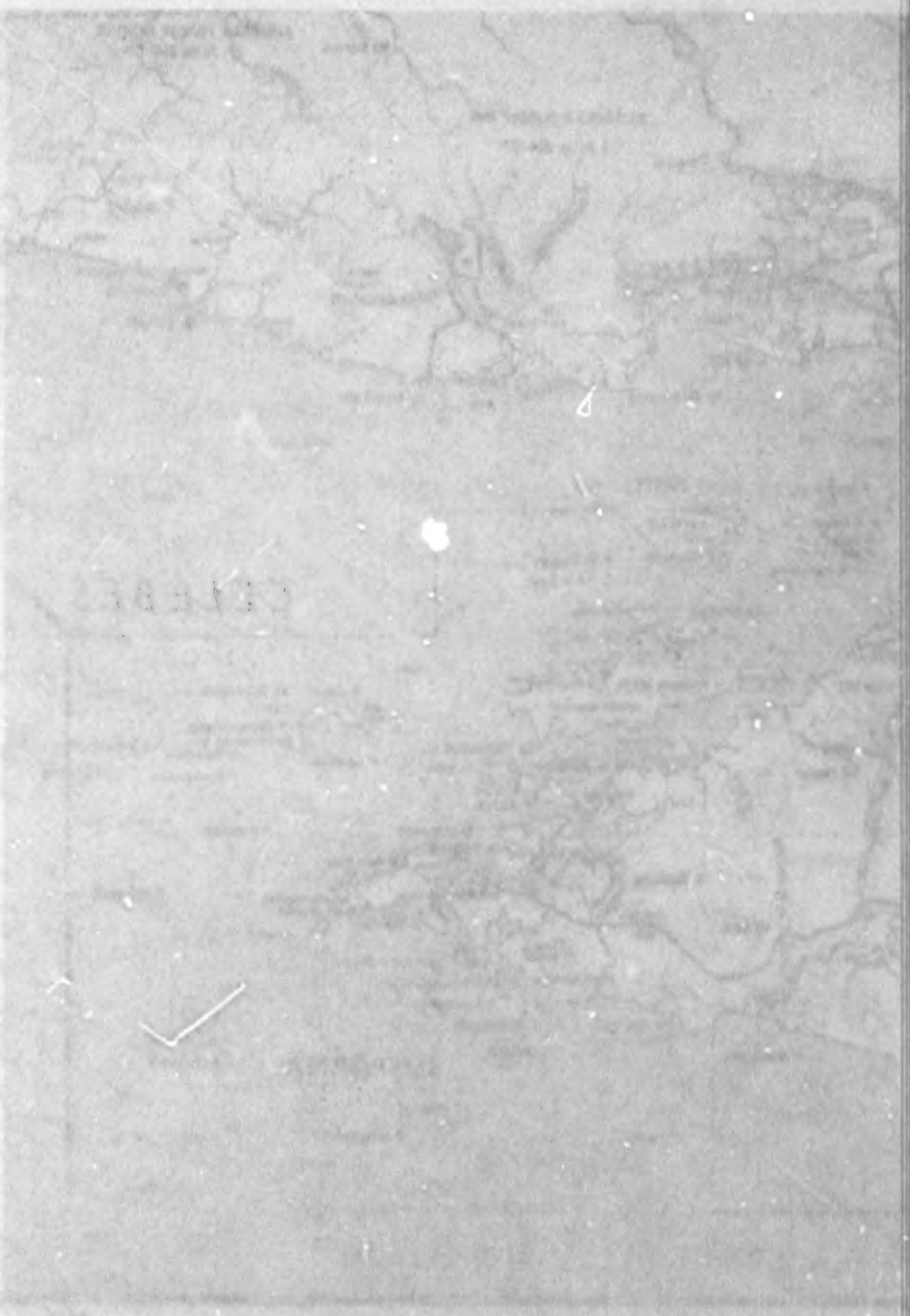
MAP N° 17 (Enlargement)



Mt. Silam
2897
Darvel Bay
P. Omadal
P. Sibutu
PASSAGE
Tumindao
Liha
Sempurna
1200
Quoin Hill
Tawau
Silimpopon
Sepulong
PULAU
SEBATIK
Nanukan
Salang
Sibuko Bay
(St. Lucia Bay)
P. Nunukan Timur
Shelf
Continental
P. Altus
Paladju
P.
MANDUL
P. Bunju
P. Taraken
Taraken
Bengaro
CELEBES SEA

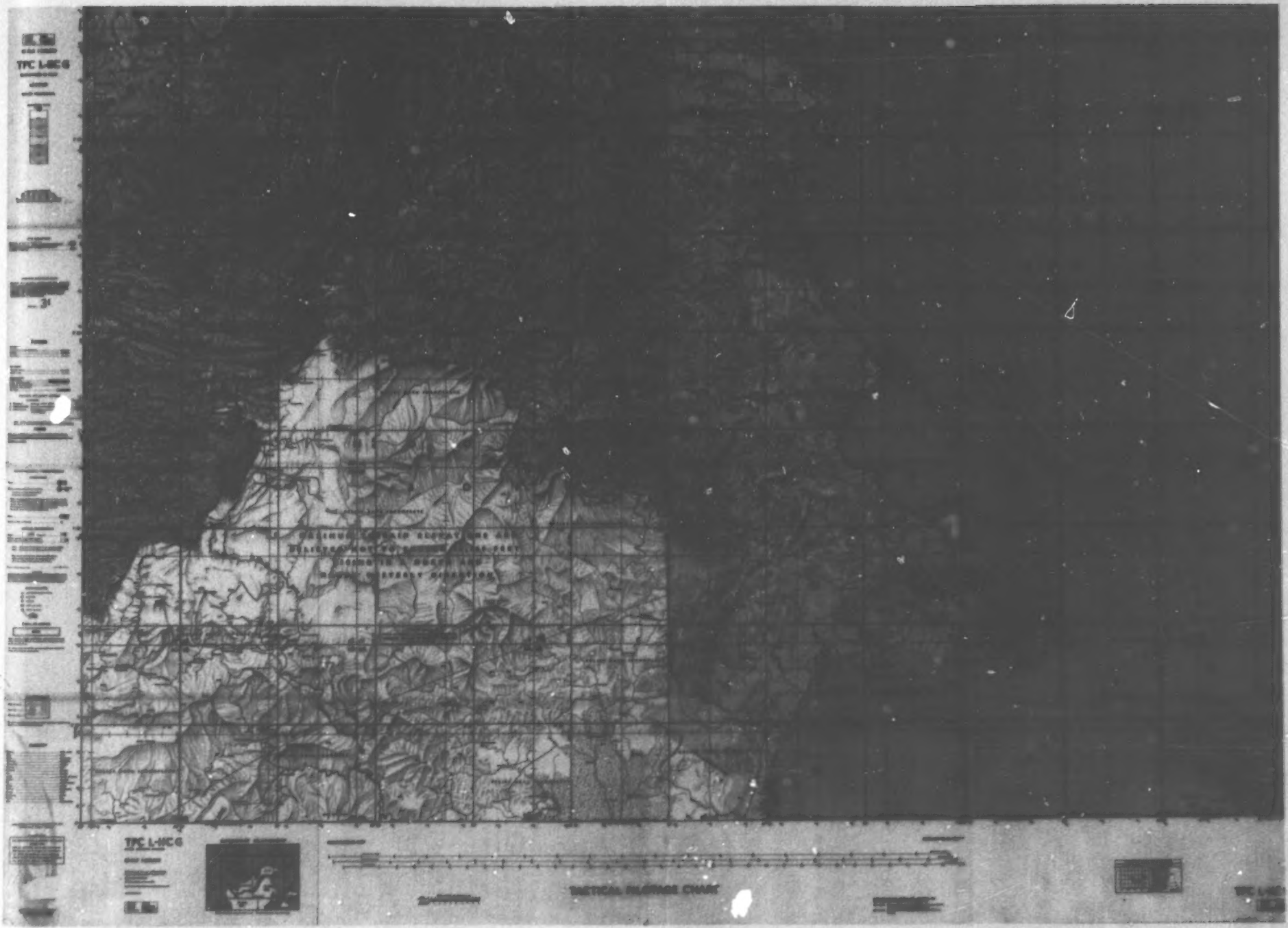

MALAYSIA TIMUR
SABAH

MAP N° 18 (Enlargement)

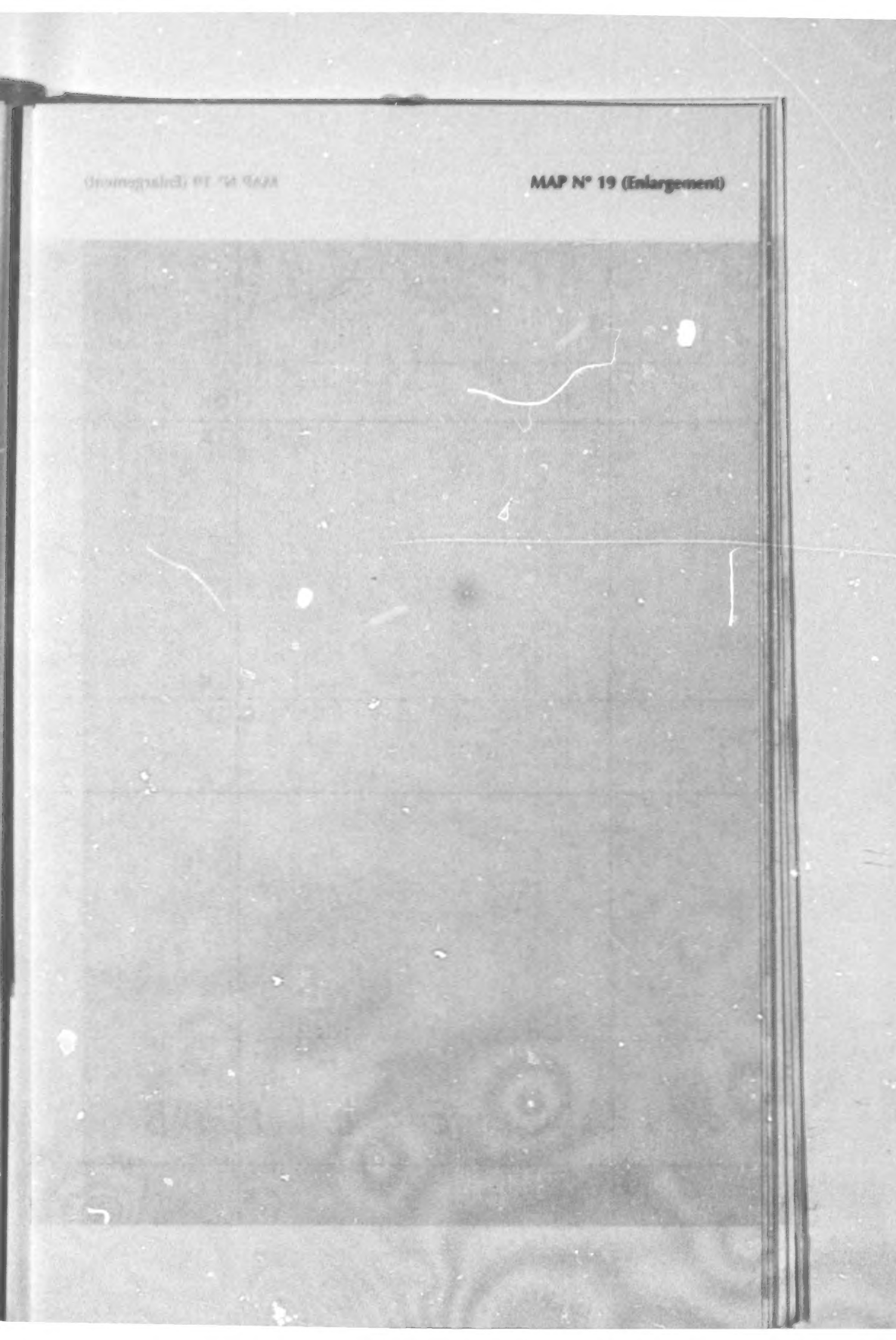


MAP N° 18 (Enlargement)

MAP N° 19


TPC L-16CG
TPC L-16CG
TACTICAL PILOTAGE CHART

MAP N° 19 (Enlargement)



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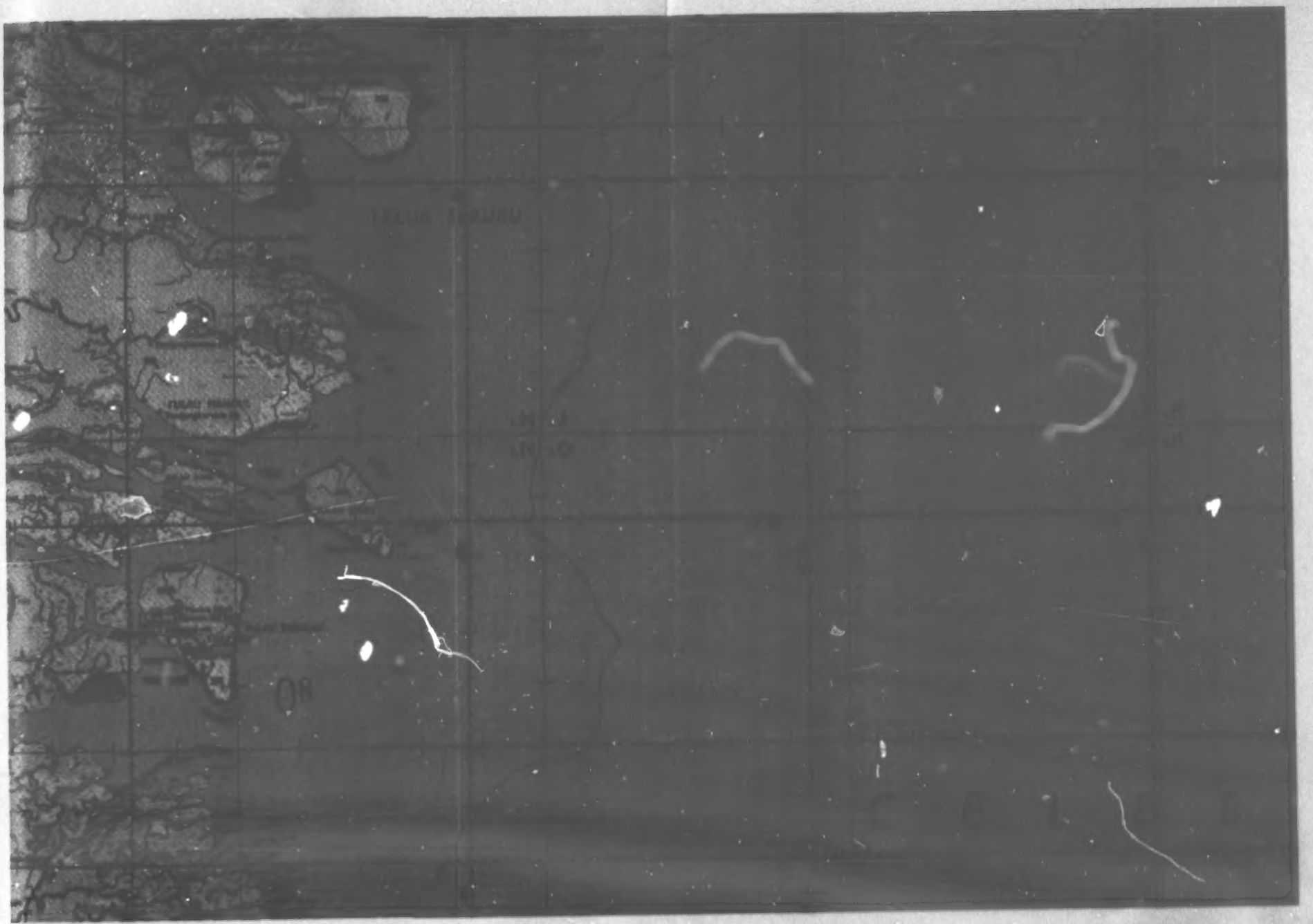
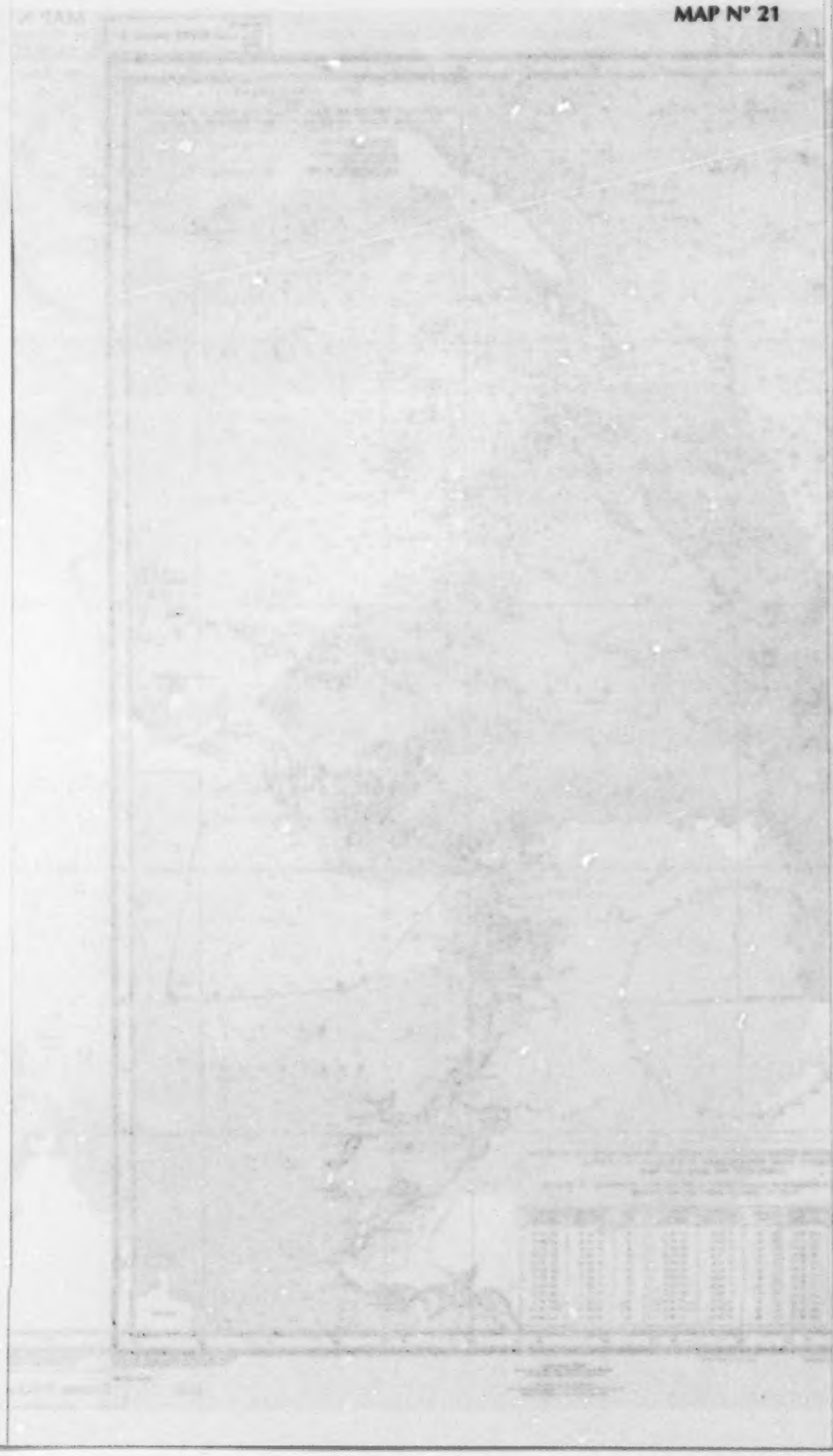


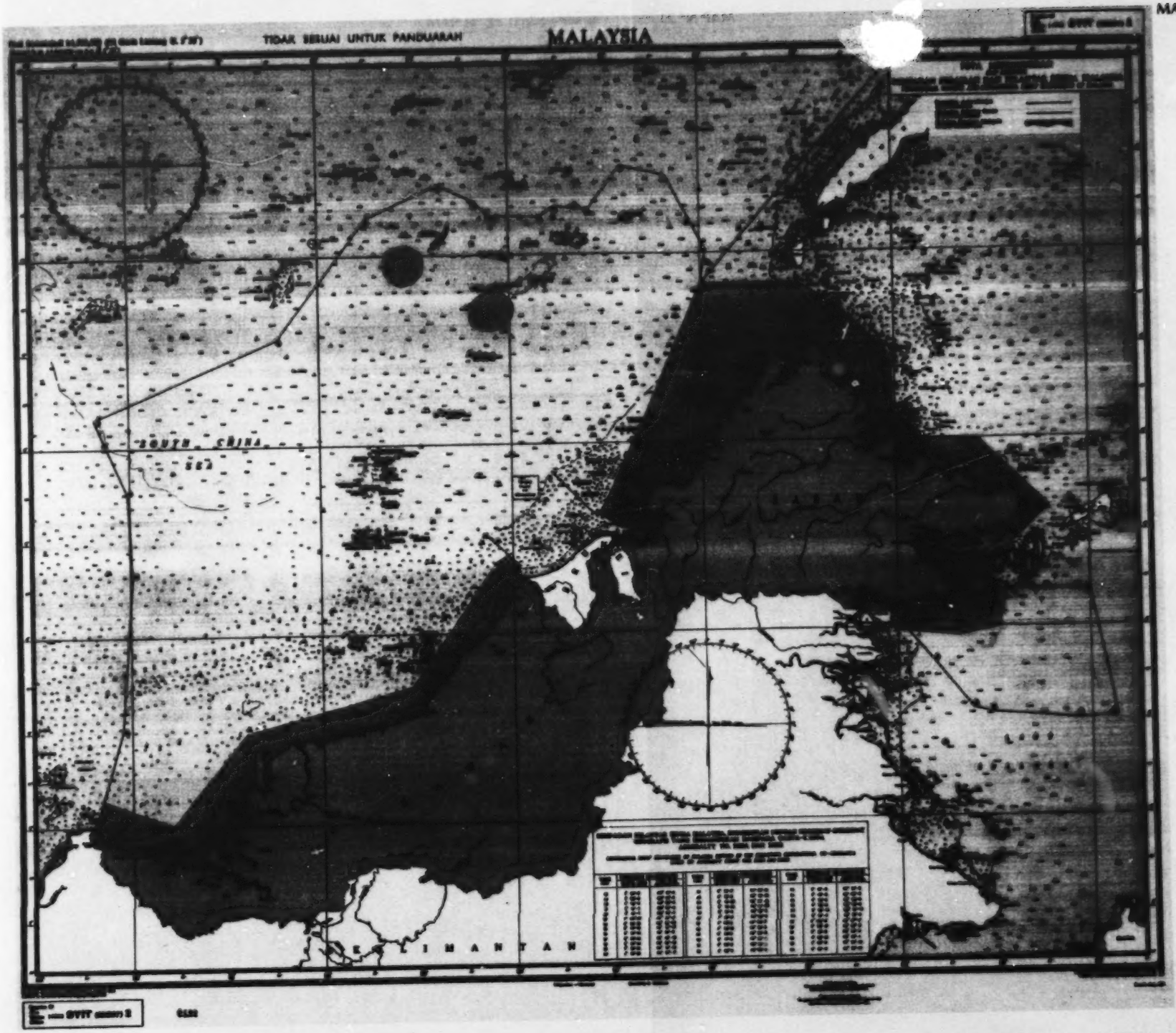
MAP N° 20

MAP N° 20

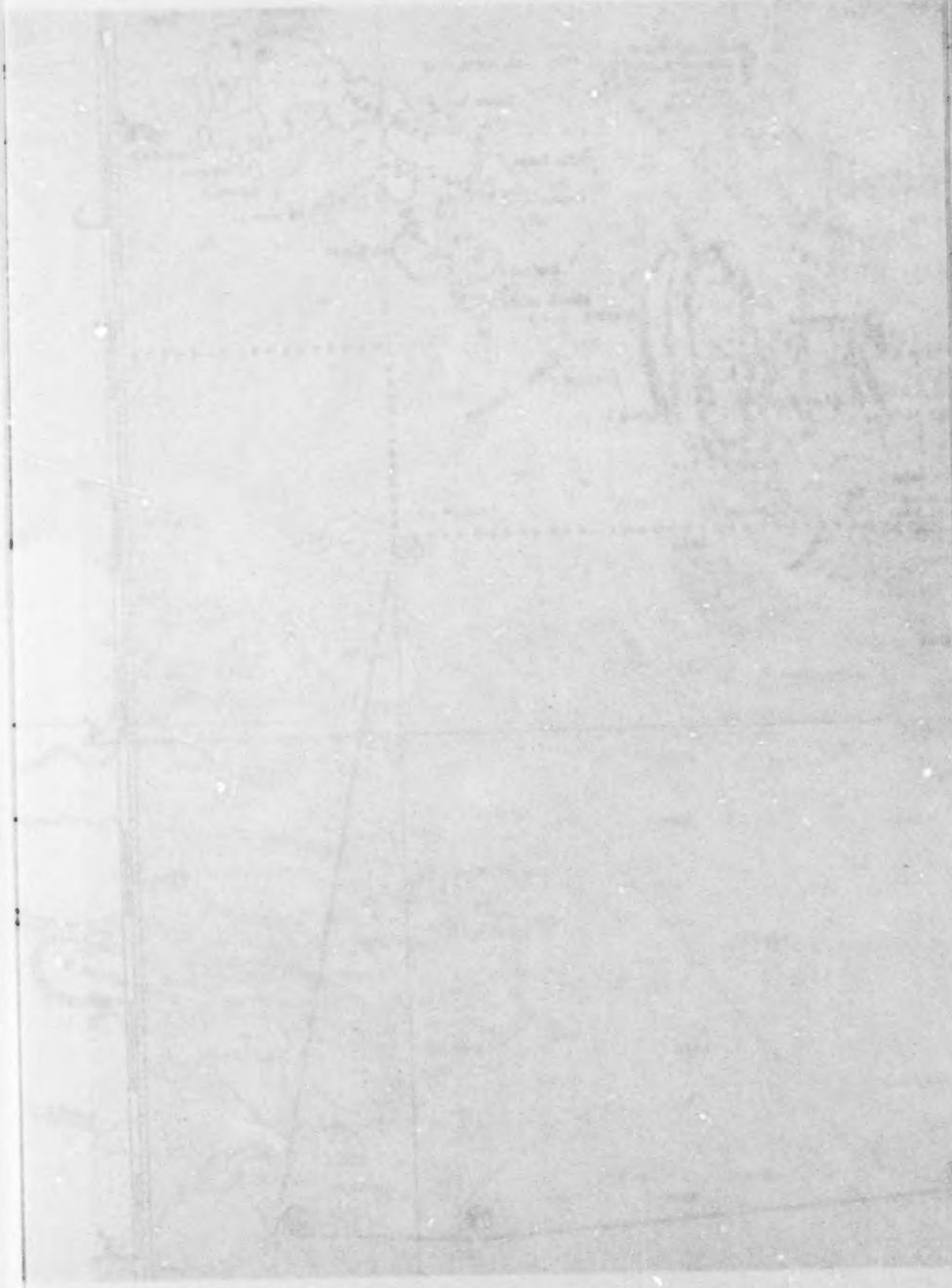
MAP N° 21



MAP N° 21


TIDAK SESUAI UNTUK PANDUARAH
MALAYSIA
SOUTH CHINA
SEA
KALIMANTAN

MAP N° 21 (Enlargement)



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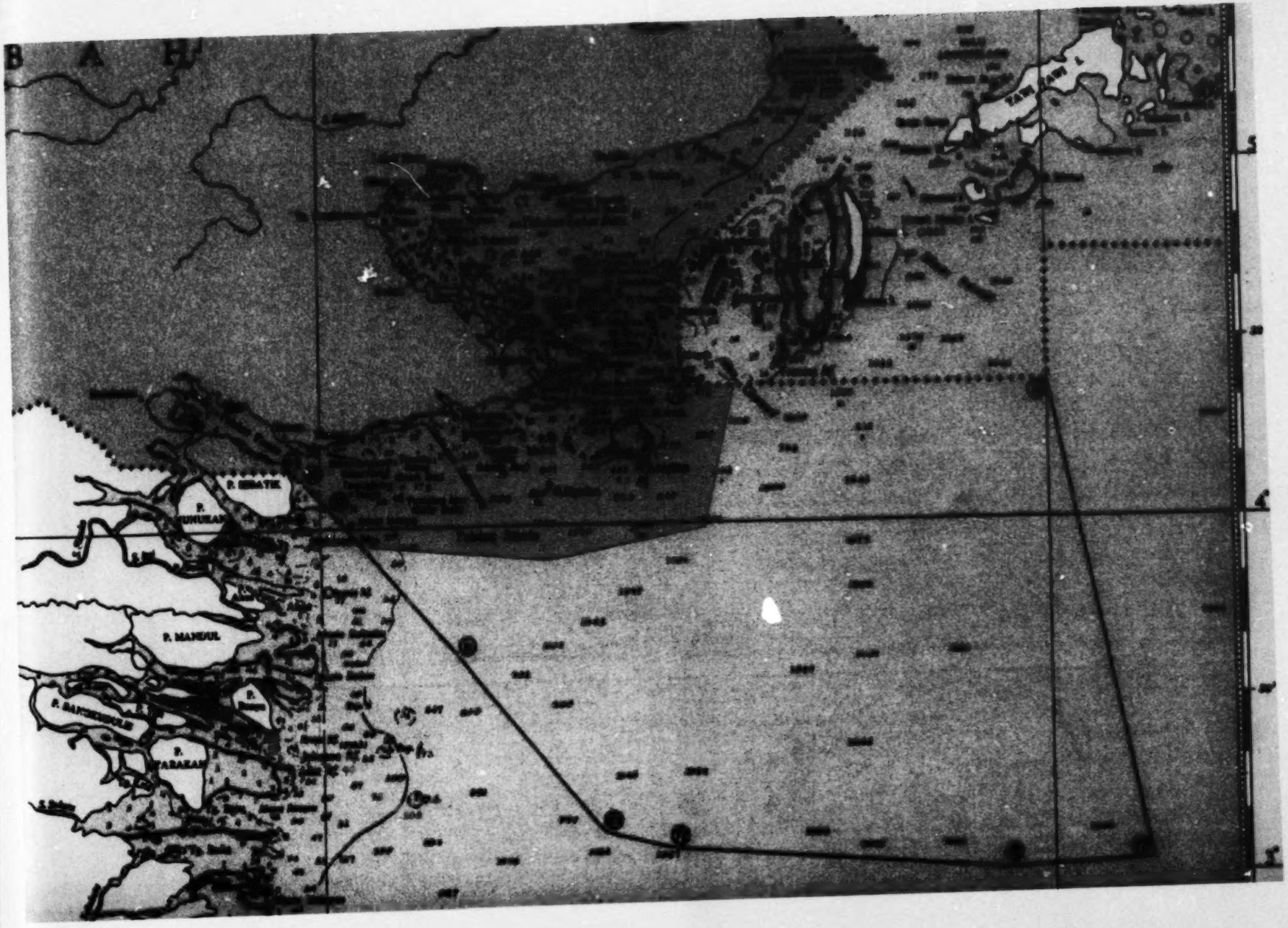
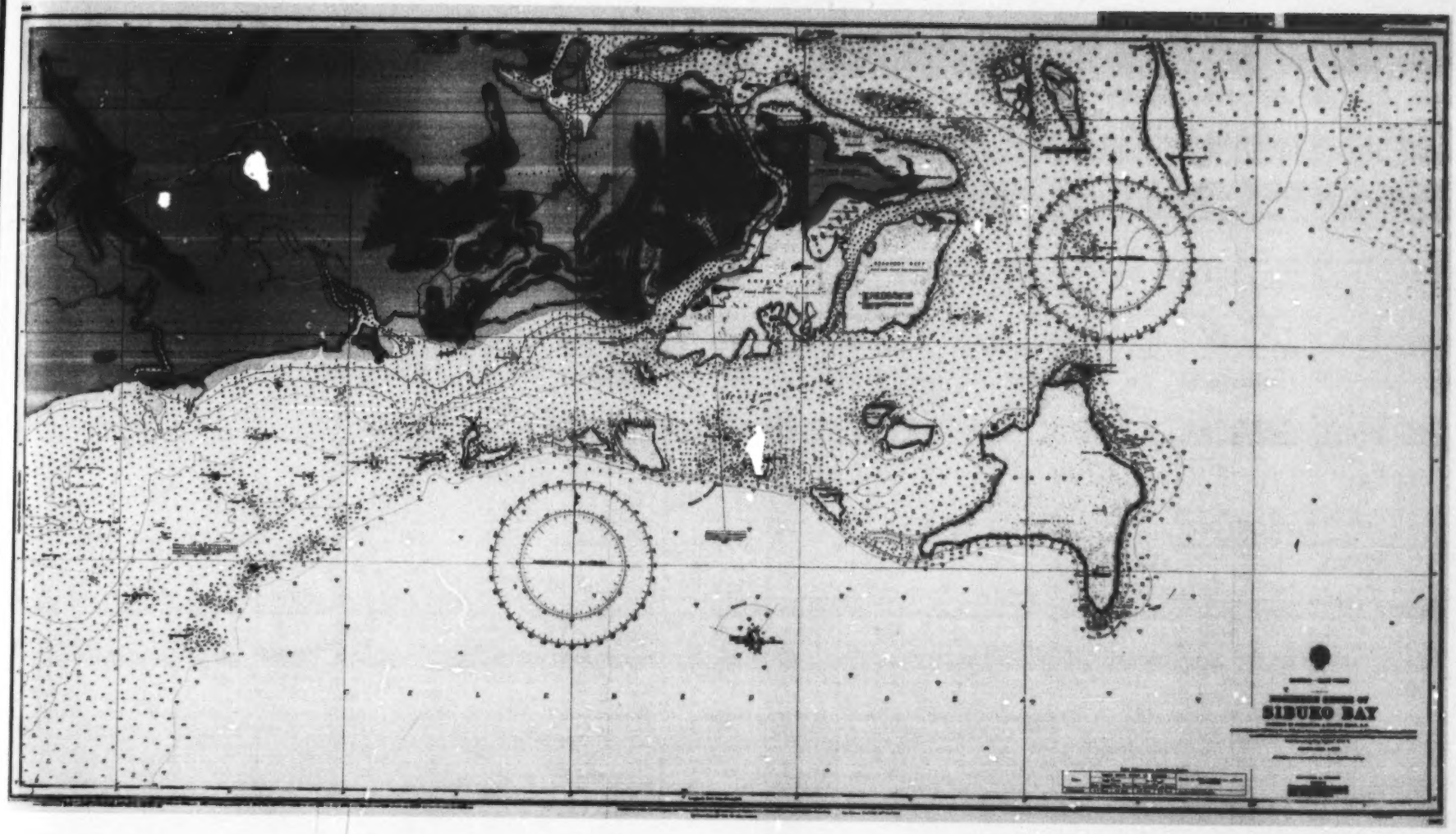


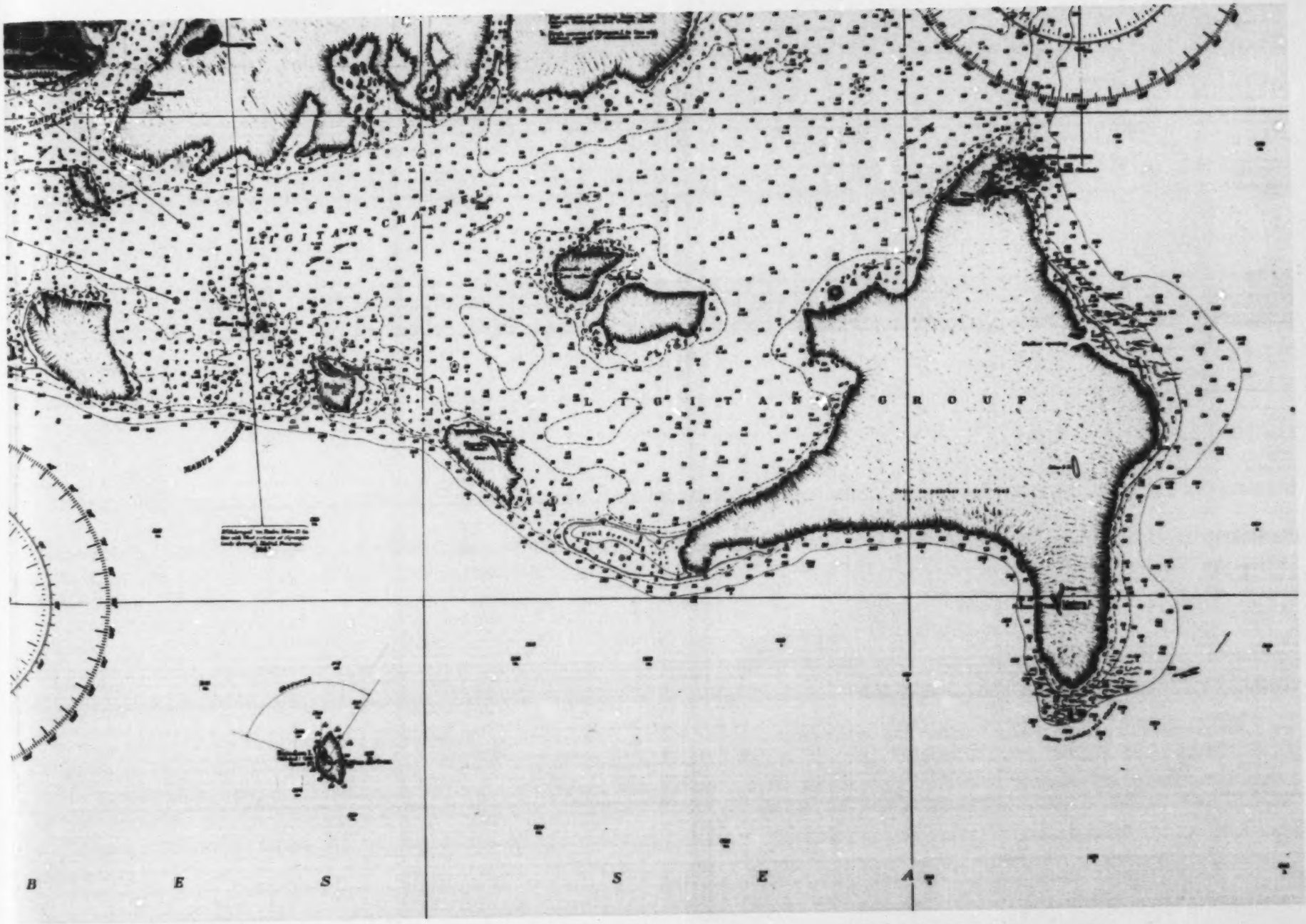
MAP N° 22

MAP N° 22



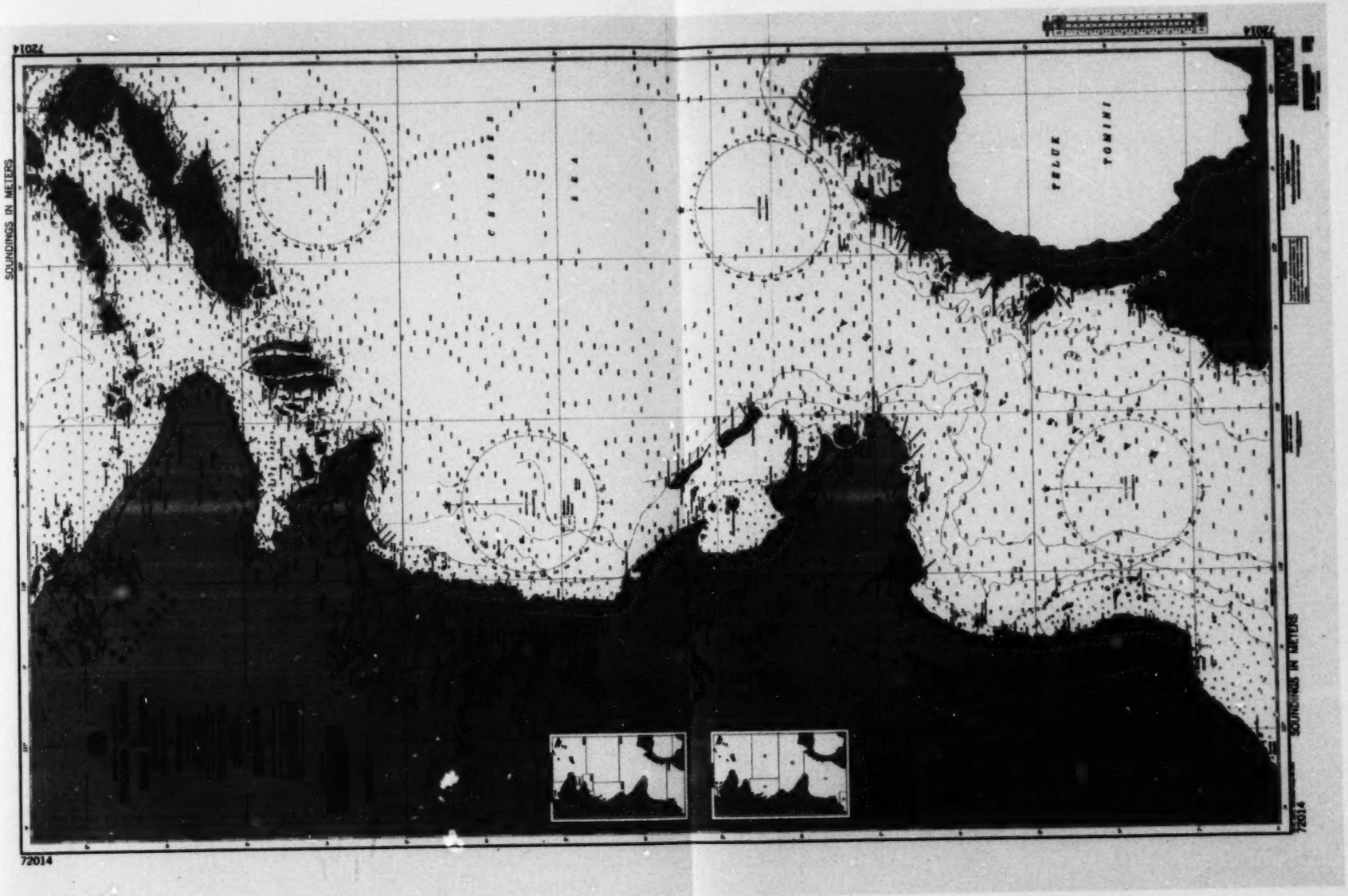
MAP N° 22 (Enlargement)

MAP N° 22 (Enlargement)



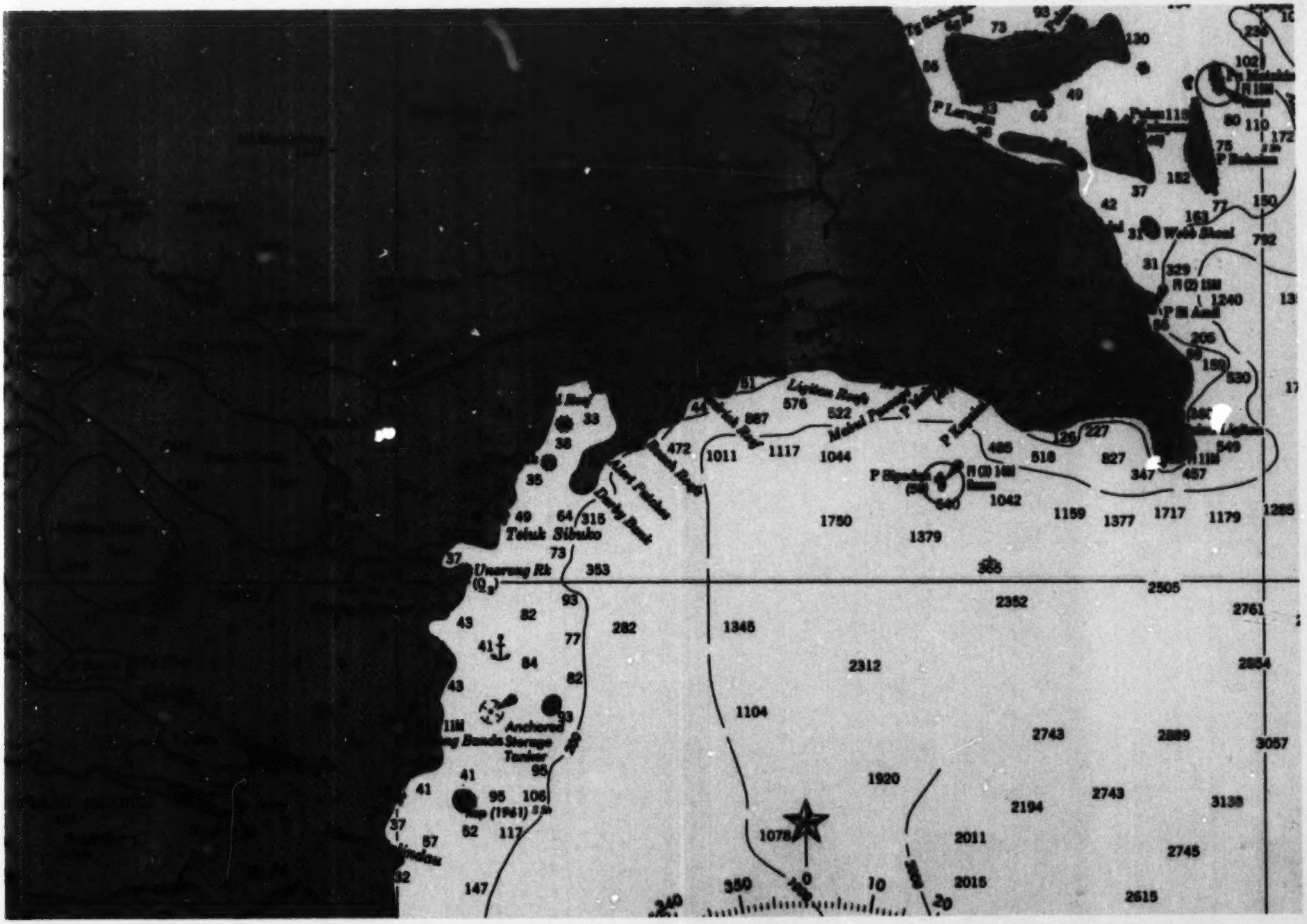
MAP N° 23

MAP N° 23

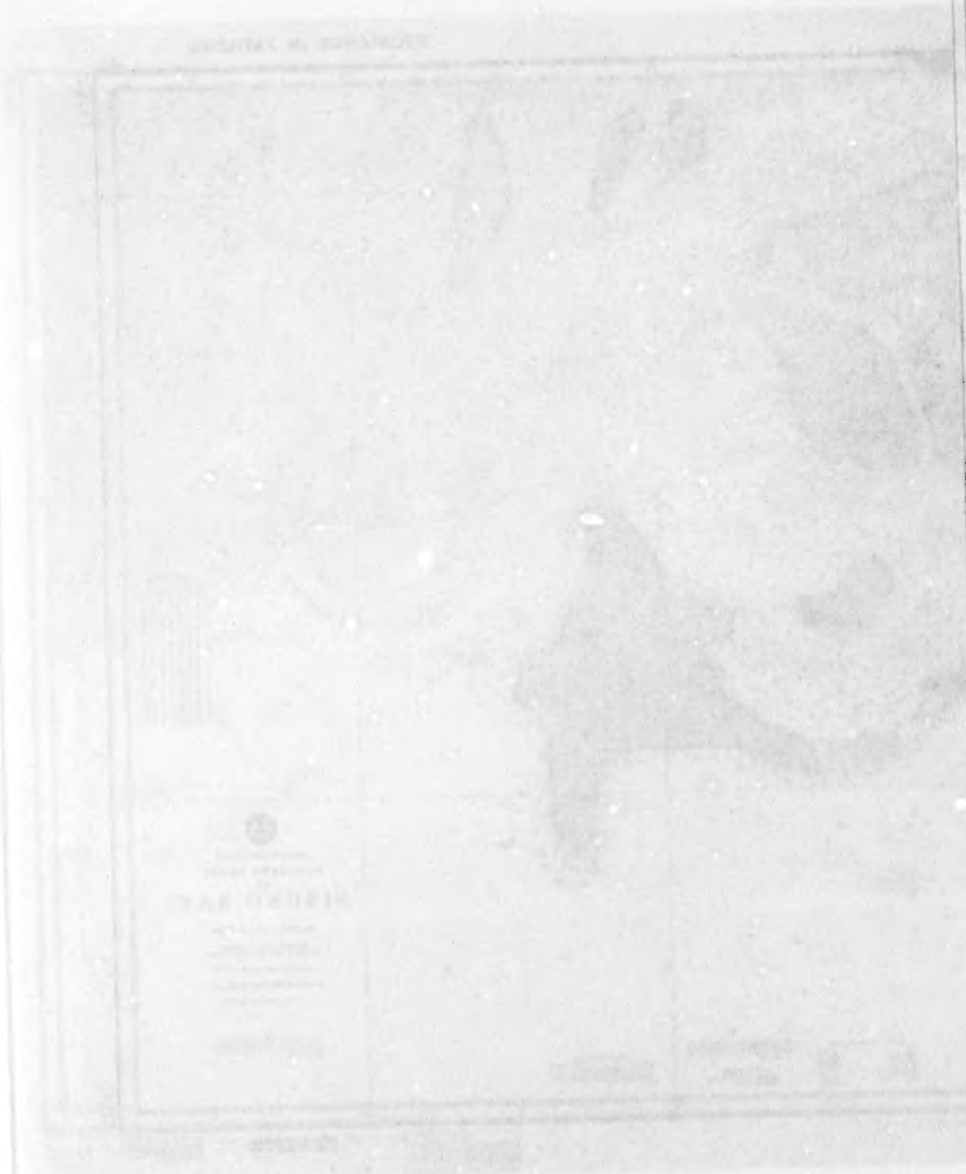


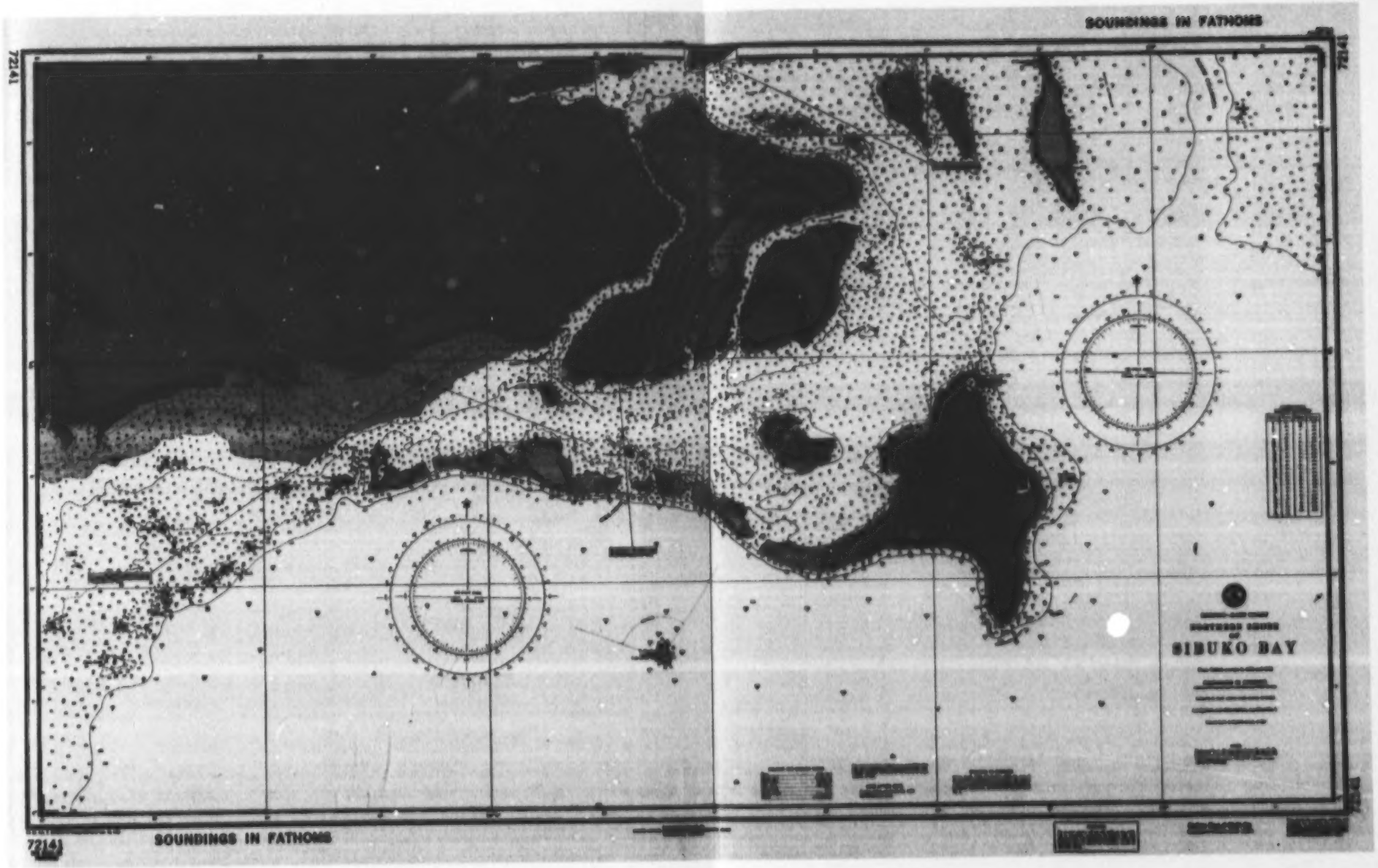
MAP N° 23 (Enlargement)

MAP N° 23 (Enlargement)


Teluk Sibuko
Anchored
Tanker
Lighted Buoy
Lighted Buoy
Lighted Buoy

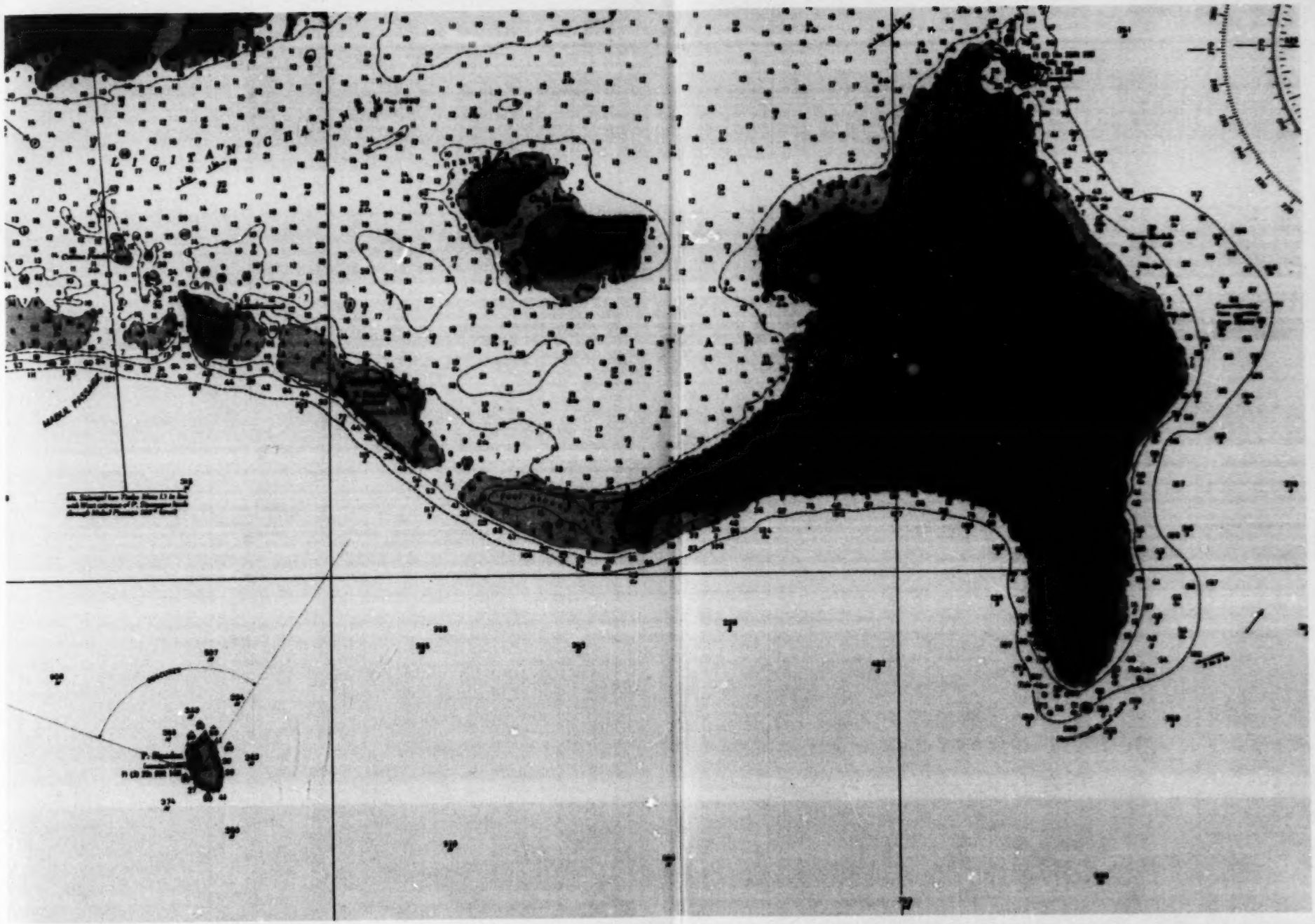
MAP N° 24




SOUNDINGS IN FATHOMS
72141
SIBUKO BAY
SOUNDINGS IN FATHOMS
72141

MAP N° 24 (Enlargement)

MAP N° 24 (Enlargement)



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